



COMMUNITY DEVELOPMENT

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R05-21-C-003

October 27, 2020

Environmental Protection Agency Region 5
Attn: Mr. Matt Didier
77 West Jackson Boulevard
Mail Code SB-5J
Chicago, IL 60604-3507
Via email: Didier.Matthew@epa.gov

Re: City of Eau Claire, WI, Cleanup Grant Application for 820 Malden Ave, Eau Claire
Narrative Information Sheet

Dear Mr. Didier:

The City of Eau Claire, Wisconsin is pleased to submit this application for the USEPA Brownfield Cleanup Grant, requesting funding of \$500,000 for our Hazardous Substance site at 820 Malden Avenue in our City. Our application includes responses to all threshold and ranking criteria as described within the application materials. The City will use the requested funds to support brownfield redevelopment on a historic 1940's dump site adjacent to the Eau Claire River that would be redeveloped into much needed affordable housing were it not for the environmental concerns. The grant would play a key role in eliminating material threats to public health, welfare, and our environment; creating job opportunities; growing our tax base; eradicating blight; and reviving our economy through moving an underutilized 3-acre area into a significantly better reuse.

Narrative Information Sheet

1. Applicant Identification: The applicant for the EPA Brownfields Site-Specific Cleanup Grant is the City of Eau Claire, located at 203 S. Farwell Street, Eau Claire, Wisconsin, 54701.
2. Funding Requested
 - a. Grant Type: Single Site Cleanup
 - b. Federal Funds Requested:
 - i. \$500,000;
 - ii. A cost share waiver is not being requested.
3. Location: City of Eau Claire, Eau Claire County, Wisconsin.
4. Property Information: The proposed cleanup encompasses approximately the southern half of a 5.7-acre site at 820 Malden Avenue, City of Eau Claire, bounded by Birch Street to the south, Malden Avenue to the east, the rear of residential properties along Morningside Drive to the

west and a distribution center along Seymour Road to the north. This parcel is located in the Southwest ¼ of the Northwest ¼ of Section 15, Township 27 North, Range 9 West, in Eau Claire County, Wisconsin. Past owners included individuals (passed down from family members through 2014) to an LLC and finally to the City of Eau Claire in 2017.

5. Contacts

- a. Project Director: Aaron White, Economic Development Manager, City of Eau Claire; 203 S. Farwell Street, PO Box 5148, Eau Claire, Wisconsin 54702-5148;
Aaron.White@EauClaireWI.gov
- b. Chief Executive Officer: Dale Peters, City Manager, City of Eau Claire; 203 S. Farwell Street, PO Box 5148, Eau Claire, Wisconsin 54702-5148, Dale.Peters@EauClaireWI.gov, 715.839.4902

6. Population:

- a. The City of Eau Claire as a whole is 68,866 (2018 American Community Survey Total Population Estimate, U.S. Census Bureau, available at www.census.gov).

7. Other Factors Checklist

Other Factors (TBD)	
Community population is 10,000 or less.	
The applicant is, or will assist, a federally recognized Indian tribe or United States territory.	
The proposed brownfield site(s) is impacted by mine-scarred land.	
Secured firm leveraging commitment ties directly to the project and will facilitate completion of the project/redevelopment; secured resource is identified in the Narrative and substantiated in the attached documentation.	3
The proposed site(s) is adjacent to a body of water (i.e., the border of the site(s) is contiguous or partially contiguous to the body of water or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).	1, 5
The proposed site(s) is in a federally designated flood plain.	
The reuse of the proposed cleanup site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or will incorporate energy efficiency measures.	3

8. Letter from the State or Tribal Environmental Authority: Please see attached.

Thank you for consideration of our grant application materials. We trust you will find them complete and, we hope, worthy of an award.

Sincerely,



Mr. Aaron J. White
Economic Development Manager
City of Eau Claire, Wisconsin



October 22, 2020

Terry Weld
City Council President
City of Eau Claire
203 S. Farwell Street
PO Box 5148
Eau Claire, Wisconsin 54702-5148

Subject: State Acknowledgement Letter for City of Eau Claire

FY21 EPA Site-specific Cleanup Grant

Dear Mr. Weld:

The Wisconsin Department of Natural Resources (DNR) acknowledges the application of the City of Eau Claire for U.S. Environmental Protection Agency Brownfield Grant funds identified above.

The DNR is fully committed to a collaborative partnership with the City of Eau Claire, and will support your brownfield assessment and remediation efforts in many ways, including:

- The DNR can identify key state and federal contacts for your specific project and coordinate Green Team meetings with these individuals, in your community, to answer questions and discuss local plans, options and best practices.
- The DNR can assist you in identifying and obtaining additional financial assistance from state-managed grant and loan programs.

Obtaining EPA funding for this grant application is consistent with community needs, vital to the local economy and will help bring needed improvements to the quality of life for residents. Federal funding will also help initiate cleanup activities, create jobs and leverage local investments in brownfield redevelopment.

Sincerely,

Christine Haag, Director
Remediation and Redevelopment Program
Wisconsin Department of Natural Resources

Copy: Daubchi Vang – DNR WCR

IV. E. Narrative/Ranking Criteria

1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION

1.a.Target Area and Brownfields;

i. Background and Description of Target Area - The City of Eau Claire, whose name came from the French settlers meaning “clear water,” is located in northwestern Wisconsin about 85 miles east of Minneapolis-St. Paul, Minnesota. The City was incorporated in 1872 and currently has a population just over 67,000 people. The community has a diverse and expanding economic base in manufacturing, information technologies, health care, and retail trade. The City is home to the University of Wisconsin-Eau Claire (UWEC), Chippewa Valley Technical College (CVTC), and Immanuel Lutheran College. Eau Claire offers plentiful opportunities for outdoor recreation, and its location at the confluence of the Chippewa and Eau Claire Rivers is one of the City’s greatest assets. During the initial settlement era, these rivers served as opportunities for commerce, industry, power, water supply and manufacturing. These industries included several lumber mills, sewer pipe manufacturing, iron foundries, and a coal gasification plant. Historical disposal of waste generated in the area circa the 1940s occurred at the 5.7-acre **820 Malden Avenue property (the subject of this application)**. The site is only separated from the Eau Claire River by right-of-way and additional property owned by the City. The owner and/or regulatory authorities did not authorize the site to be used for the disposal of material which resulted in both an environmental concern and a major detriment to moving this well-located property to redevelopment. The property has changed hands over the years, with the City obtaining ownership in 2017. As a small community with a limited municipal budget, the City of Eau Claire (or “the City,” Applicant) cannot undertake redevelopment of Brownfields properties without public/private partnerships as well as support from grant programs.

The site resides in a larger City of Eau Claire target redevelopment area, Census Tract 6, an **Opportunity Zone** located in both the North River Fronts and North Side Hill Neighborhoods. Census Tract 6 encompasses 1.8 square miles in central Eau Claire and borders the Eau Claire River to the south and Altoona Lake and the Chippewa River to the west. More than a few isolated properties along this scenic area, such as the former Malden Avenue dump site, continue to serve as outliers of adverse environmental activity that present issues within the community due to the incongruent site usage and attractive nuisances with health and safety impacts. Our state DNR’s tracking database lists over 35 contaminated brownfield sites within a 1-mile radius of ours, which includes adjoining properties. The subject property is located adjacent to a residential neighborhood to the north and west, and a more commercial, industrial and business district to the east and south including an adjacent day care and an assisted living facility only 800 feet away. Other nearby sites include Zephyr Hill Park (1/2 mile to the north), McKinley Charter School (1/3 mile to the east), McDonough Playground (1/2 mile to the west). The site is connected to the community and larger geographic area by a paved bike and pedestrian trail that borders the southeast corner of the site allowing interconnection to the Chippewa River State bike trail 1/3 of a mile to the west.

ii. Description of the Brownfield Site – The proposed cleanup encompasses approximately the southern half of a 5.7-acre site at 820 Malden Avenue, City of Eau Claire, bounded by Birch Street to the south, Malden Avenue to the east, the rear of residential properties along Morningside Drive to the west and a distribution center along Seymour Road to the north. This parcel is located in the Southwest ¼ of the Northwest ¼ of Section 15, Township 27 North, Range 9 West, in Eau Claire County, Wisconsin. Past owners included individuals (passed down from family members through 2014) to an LLC and finally the City of Eau Claire purchased in 2017.

Environmental due diligence noted that this site, as well as adjoining ones, had unauthorized waste disposed on it from a variety of sources in the 1940s and the former owners did not authorize this. Other adjoining sites to the south and southeast had similar findings through test pits and ground penetrating radar and were suitably addressed and remediated by the DOT or other parties as roads were realigned and properties redeveloped. However, this site appears to have a larger volume of waste that continues to present major hurdles on the City’s ability to move this property into reuse and generate new tax revenues. The northern portion of the site is primarily uncontaminated and had a new 18,000-square foot Fire Station #10 constructed in 2018, which included a soil vapor mitigation system beneath the building. The City’s Comprehensive Plan outlined other uses as residential or mixed use as this property is on the border of a residential and commercial district. The proposed approach, like that used on other brownfield sites, would be to divide the parcel following remediation of the former dumping area and redevelop the southern portion (approximately 3 acres) through private partnerships.

In 2016, the City commissioned Phase I and II Environmental Site Assessments (ESAs) in advance of acquiring

the property. The Phase II ESA was intended to determine the extent and depth of the waste. Twelve test pits were dug to a depth of 10 feet and soil samples collected to determine impacts of this material for future remedial planning. In the area of the dump site extents, the soil profile consisted of a few inches of topsoil overlying a mix of silty sand and sandy soils mixed with waste consisting of black burnt cinders, foundry sand, a mix of concrete, bricks, scrap metal and metal containing materials, glass, and other debris. Soil material was sampled for volatile organic compounds (VOCs), RCRA metals, and polycyclic aromatic hydrocarbons (PAHs). Results of laboratory analysis indicated exceedances of state standards (NR 720 RCLs) of VOCs above groundwater residual contaminant levels, PAHs above non-industrial direct contact levels, and heavy metals (barium, lead, selenium) above direct contact and/or protection of groundwater standards thereby requiring action to protect human health. Due to the nature of the waste and VOC findings, four gas probes were installed through direct push borings to a depth of 20 feet below ground surface to evaluate explosive gases from waste decomposition as well as VOCs. While samples were well below the explosive range of 5 to 15% methane, VOCs were noted soil vapor. Approximately 2.5 acres of the site is impacted by this filled dump site, with depths of waste estimated as nearly 30 feet at the deepest, tapering towards the west, east and central parts of the property. This correlates with an estimated 15,000 to 20,000 cubic yards of material buried here based on cross sections developed from this data. The site is wooded with no structures except the City-owned Fire Station on the northern portion of the site.

1.b. Revitalization of the Target Area;

i. Reuse Strategy and Alignment with Revitalization Plans - The northern 2.7 acres of the subject property were redeveloped a few years ago into a new City fire house. Our strategy is to leverage this initial investment to completely transform the southern three acres of the site to offer much needed housing or mixed use (commercial and housing) that has been identified in our *Comprehensive Plan* for this property. Our redevelopment approach consists of a two-phase strategy. Each phase of the project involves a discrete task list, focused on specific goals.

Phase 1 (September 2021-April 2022): A set of bid specifications and bidding documents will be issued to contractors to undertake clearing and grubbing of the site for unimpeded access to the waste disposal areas. Following clearing and grubbing, excavation and removal of the upper several feet of waste material from the site with associated landfill disposal will commence. Confirmation sampling would be performed following removal and Case Closure pursued with the Wisconsin Department of Natural Resources (WDNR).

Phase 2 (May 2022-August 2022): City will split parcel with new Certified Survey Map into the City-owned site (fire station) consisting of 2.7 acres, and a **3.0-acre site** to be sold for redevelopment to a private partner who will have a plan in place. The redevelopment plans are likely to be workforce housing based on conversations with potential developers, which is acceptable with the current site zoning and is much needed. Census Tract 6 has the highest percentage of homes built in 1939 or earlier (50%), and only 11% of the housing stock in this tract is built after 1970.

The presence of the Malden Avenue historic dump site contributes to the lack of community, lost business opportunities and jobs, and depressed property values. Land use concerns for the North Side Hill Neighborhood were identified in the *2016 Eau Claire Neighborhood Revitalization Plan*, which included improvement of public health in aging neighborhoods like ours as well as supporting business improvement districts to offset private tax rates for these lower income families. Further emphasis on redevelopment, urban infill, and downtown renewal are noted in the *Comprehensive Plan* (2015) to “Restore underused, obsolescent or incompatible properties to viable commercial, residential or recreational opportunities.” This Plan also notes priorities to infill and reinvest/re-use underused sites like the 820 Malden Street property to focus on “older parts of the City to keep those areas vital and to use prior public investments,” noting the corridor and neighborhood to which the subject property belongs.

The City’s Economic Development Director has stated the project opens the doors for reaching goals established by both City’s long-range planning and the citizen-based Clear Vision planning process for Eau Claire. Discussions with several private development parties indicate development interest is strong provided the environmental issues are addressed. While developing the City’s *2015 Comprehensive Plan*, the City conducted extensive two-way communications with the residential and business community and considered the need for additional housing in this area, one with older housing stock and lower incomes. Our strategy supports the City’s *Comprehensive Plan* goals to redevelop Brownfields properties along the Eau Claire and Chippewa River corridors. For medium or high-density housing, the redevelopment plan needs to meet the criteria

developed in the Land Use Chapter of the Comp Plan, including adequate utility and street capacity, ability of area to absorb additional density, transit service, proximity to services and employment opportunities, proximity to schools and natural amenities, and suitability of site for construction. Absent the environmental issues on the site, our reuse strategy meets all these items.

We have invested significant funds to study community needs and recent planning efforts charted a course for future economic prosperity in the City. The projected redevelopment at 820 Malden Avenue fits seamlessly into this vision. Reuse of this former dumping site, currently a dangerous and unattractive nuisance, will accomplish many of our goals, while eliminating blight and contamination in the heart of Eau Claire's in a low-income neighborhood.

ii. Outcomes and Benefits of Reuse Strategy-The site is located in an **Opportunity Zone** in one of the older neighborhoods in the City and has highest potential to attract private sector shovel-ready development once the remediation activities are implemented. The benefits of the Opportunity Zone program allow for another funding element for the City's private development partner to create much needed workforce housing on a property adjacent to the Eau Claire River bike and pedestrian trail. The remediation and redevelopment of the contaminated portion of this property will increase property values by well over \$1 million and impact surrounding properties, and consequently generate an increased tax base and user fees for municipal services (i.e., water, sewer, police). Additionally, it is presumed that the increased availability of workforce housing will attract workers currently commuting from outside the City, contributing to the local tax base and economy by actively participating in it. Moreover, the project will support employment related to redevelopment itself, including but not limited to site infrastructure construction, remediation, and building construction.

The workforce housing project supports the City's Comprehensive Plan goal of Brownfield remediation and redevelopment along the Eau Claire River corridor that supports the Existing Communities initiative in the Plan. The public/private partnership for this project promotes collaboration and uses existing city public work investments. Furthermore, removal of contaminated waste material and soil along heavily traveled pedestrian routes, creating lighted walkways, and redevelopment for residential use will serve residents and the public to enhance the safety of the area and contribute to a walkable neighborhood.

Our Comprehensive Plan will also work in concert with City's Smart Growth Approaches for Infrastructure and Land Use item which promotes urban infill development, thus using areas already served by existing infrastructure. New sidewalks internal to this redevelopment will connect to existing recreational trails that access downtown Eau Claire, the Eau Claire and Chippewa River waterfront, and regional trails. This linkage will promote healthy living and human-powered transportation, thus reducing pollution and fossil fuel consumption. Green space and stormwater detention basin will be constructed on the property to function as natural stormwater management, slowing the travel time of runoff and allowing infiltration to take place.

The City became an 'Eco-Municipality' in 2009 by adopting a systematic approach to sustainability. In January 2020, the City rolled out their *Net Zero Energy Building Guide* which includes resources to reduce the energy and water consumption of buildings and provides details on renewable energy incorporation into buildings and the long-term economic benefits. This guide provides very detailed strategies for incorporating grid-tied solar photovoltaics into building orientation and electrical design. Higher performing buildings attract and retain tenants. As such, our Community Development Division will place a higher preference on the private partner that meets renewable and energy efficient building designs goals when considering redevelopment of the southern site.

1.c. Strategy for Leveraging Resources

i. Resources Needed for Site Reuse - The City will utilize a wide array of funding to complete site cleanup and redevelopment activities, including private investment from a third-party developer for site infrastructure and development, and Wisconsin Housing and Economic Development Authority (WHEDA) low-income housing tax credits (HTC). The number of affordable units would be a primary factor in the amount of credits, but based on initial concepts and the HTC allowances, could range from \$200,000-\$400,000. The site is located within an Opportunity Zone and it is expected that the private developer will take advantage of this through creation of a Qualified Opportunity Fund to invest in the new development and a common strategy in aligning workforce housing in these areas. In July 2019, the Eau Claire City Council through a resolution approved \$500,000 in revolving loan funds for affordable multifamily housing initiatives. Documentation of leveraged investments is

included in the attachments. On October 1, 2020, the City of Eau Claire Finance Director released a statement stating the City of Eau Claire has \$100,000 allocated as part of the 2020 Capital Improvement Plan to provide the 20% match for the U.S. EPA Brownfields Hazardous Material Cleanup Grant.

The City and its partners such as WCWRPC have developed, and continue to advance, a strategy to acquire additional grant funding from state and federal sources. The project team will also be evaluating ancillary funding opportunities that may address connectivity or specific aspects of the project such as Safe Routes to School or grant programs with the Wisconsin Economic Development Corp. (WEDC).

ii. Use of Existing Infrastructure- The site remedial activities will use existing infrastructure, primarily roads for hauling waste material off site and city water for dust control. The future redevelopment will also reuse existing infrastructure adjacent to the site, including roads, sanitary and storm sewers, municipal water, electrical and cable utilities, and gas lines. City engineering evaluations and engineering staff have confirmed that the adjoining infrastructure is sized appropriately for a new housing or mixed-use development to have no impact on providing those services to an improved site. No other additional infrastructure beyond building laterals and feed lines from these main utilities is needed, and thus provide efficient use of infrastructure compared to greenfield site.

2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT

a. Community Need

i. The Community's Need for Funding -The City of Eau Claire, like many communities in the time of COVID has lowered tax revenues and has more needs associated with their current budget. The site is ineligible for the Brownfield Grant with WEDC due to narrow application requirements which this site doesn't meet, thus leaving limited other options for addressing the site contamination. According to the Eau Claire County Housing Authority there are 275 households on waiting lists for low-income rentals. And 2016 data from United Way's Asset Limited, Income Constrained, Employed (ALICE) report on poverty shows 28% of households in Eau Claire County are making less than the county's basic cost of living. Housing values in this target Census Tract is the lowest in the City, hence one of the reasons it is an Opportunity Zone. For example, for Census Tract 6, per Capita Income = \$23,674 (vs. \$40,477 in Wisconsin and \$30,815 Nationwide), median household income = \$37,392 (vs. \$60,475 in the County, \$52,738 in Wisconsin, and \$53,482 Nationwide). The minority level in the corridor is nearly 50% greater than that of the City as a whole. The data supports that brownfields, including the 820 Malden Avenue site, contribute to incompatible land use with neighboring homes and residential amenities.

Public funds and charitable foundation giving do not cover the full project costs, especially early project costs that the EPA Cleanup Grant will provide to set the stage for future success. Not counting COVID-impacted small businesses, Eau Claire has recently experienced several large business closures. Hutchinson Technology closed in 2020, laying off 110 employees. Between 2012 and 2020, Eau Claire lost more than 1,200 jobs. Most notable is closure of the Eau Claire based Community Health Partnership, whose 350 jobs lost previously provided long-term care services to over 2,700 low-income elderly and disabled people in Eau Claire and the surrounding communities. Budget reductions, retail closures, and the general COVID-impacted economic downturn continues to impact key businesses in our City to this day. Another large employer is public liberal arts focused University of Wisconsin-Eau Claire with an undergraduate enrollment of about 10,000. Due to on-going budget constrictions UWEC cut over 15 % of their workforce between 2015-2020 through contract non-renewals, resignations, retirements, and layoffs, in addition to furloughs to deal with COVID budgetary response. This puts great pressure on our City budget and doesn't allow us much opportunity to deal with this sleeping giant, which if developed, will yield great benefits.

ii. Threats to Sensitive Populations:

(1) Health or Welfare of Sensitive Populations: Sensitive population impacts near the project site and within our census tract is troubling due to the high level of poverty, as well as the quantity of youth-oriented recreation, youth population, as well as lack of health care, and higher densities of elderly oriented facilities near the site. Census data shows we have 29% minority population and 10% 65 years old or older, making our sensitive group nearly 40% of our overall population.

For children in Eau Claire, lead in housing conditions are a problem with an average of 2% of children under 6 having blood lead levels of 5 micrograms per deciliter (µg/dL) or above (www.dhs.wisconsin.gov). However, Eau Claire-City-County health department figures show that in the area where former dump site is located is the highest in the City at 3.0-3.34 µg/dL lead (for years 2000-2014) which correlates with the oldest average age of

homes (most likely to contain lead based paint) in our community, and noted lead concentrations on the site are higher than regulatory standards as well. These blood lead levels are nearly twice as high as other more affluent parts of the city. Other health risks in our population that brownfields contribute to include: County drinking water which has much higher nitrate levels compared to State averages (2.5 milligrams per liter (mg/L) vs. 1.5 mg/L for the state), common occurrences of radon greater than 4 picocuries per liter (pCi/L; 34%), and the County has over 26% higher incident rate for kidney disease than state averages and are in the worst quartile nationally.

This grant will reduce these threats by providing new, safe, and improved living opportunities for the new proposed housing to be located on the site, which itself may be contributing to health and welfare of this sensitive population due to the site being unsecured and accessible to trespassers.

(2) Greater Than Normal Incidence of Disease and Adverse Health Conditions: Due to the size of our community our health data is only available at the county level, however, our lower income Opportunity Zone census tract is likely more disproportionality impacted compared to other more affluent areas of our county. We have youth-oriented recreation, health care, and elderly oriented facilities near or along the river adjacent to our project site who may both traverse the trail, inadvertently access the site, or are in the prevailing wind direction of airborne contaminants from the unpaved site. Potential health impacts include inhalation of contaminated soil. According to Wisconsin Department of Health Statistics, the most recent data (2016-2018) shows Eau Claire county as being in the worst 15% (11 out of 72 counties) for hospitalizations for asthma. These could be contributed by the noted project site and other brownfields in the area. With nearly 12% not covered by health insurance in the census tract (compared to 5.8% in the state) we're at a major disadvantage in proactively dealing with health or disease evaluation from our project site or other brownfield sites. Correlation and impact from the pathways include:

- *Ingestion/Inhalation of Contaminated Soil.* The most common soil contamination in our brownfield areas including the former dump site are from metals, VOCs, and PAHs.
- *Vapor Intrusion.* Chemical vapor migration into old buildings, from contaminated soil and groundwater is a concern given the elevated water table and the waste from the site area. The fire station on the northern portion of the site has a vapor mitigation system installed to mitigate this risk.

Cleanup and capping of the site will remove the public health hazards associated with direct contact with media contaminated with PAHs, VOCs, and RCRA metals. The City and its partners recognize that a clean environment underpins economic, health, and social well-being of our community. This project will create jobs, remove environmental concerns, and reinvigorate our area through providing much needed new housing and is consistent with the City's and region's redevelopment goals, aligns the property use with surrounding residential properties, and removes the public threat of hazardous substances.

(3) Disproportionately Impacted Populations: The City of Eau Claire and the Eau Claire River corridor contain a higher percentage of families below the poverty line and significantly lower median family incomes compared to Wisconsin and the U.S. Poverty and the connected issue of affordable housing is a major barrier to positive health outcomes for the more than 60,000 City of Eau Claire residents and is a cumulative factor to the area. As the demographics show, the Census Tract 6 along the Eau Claire River Corridor is more depressed than the City as a whole. People of color are nearly twice as likely to be burdened by toxic chemical releases than whites (scorecard.org). According to County Health Rankings, Eau Claire has one of the worst measures of income inequality in the United States. Our families living below the poverty level with children under five years of age have dramatically risen to 28.3% compared to the state average of 16.8%. More than a third of children in our city are eligible for free and reduced lunch. We are also home to the 20th largest Hmong community in the US with specific housing and poverty issues. The health of our residents based on where they "live, work, and play" is clearly impacted by poverty. In the Eau Claire River Tract 6, owner-occupied housing rate has dropped to 45%, below both the City's (55%) and state (70%) owner-occupied rates, which further exacerbates the cumulative impacts in this area. On average, each rental housing inspection in Eau Claire results in 4.4-6.8 health violations. Due to a large demand for rental housing, an aging housing stock, and limited local housing policies that promote upkeep and maintenance, much of the housing available to our low-income populations presents physical, social, and economic implications for health.

Studies have shown the presence of several brownfield sites in the project area within 1,000 feet of homes

“significantly” contributes to depressed (~20% devalue) single-family residential properties, the type that are in our census tract. Blighted buildings and vacant industrial lots feed into negative impressions that drive potential businesses and customers away from our downtown. Some of these businesses, like grocery providers, are much needed in areas like our site with high levels of poverty and the need for walkable neighborhoods. The USDA Food Desert Locator identified Eau Claire Census Tract 6 as having a “food desert” or lacking fresh food access. This low-income census tract has 74% of people with low access (more than 1 mile to a large grocery or supermarket) and 15% had low access and low income (a poverty rate of 20% or higher or a median family income at or below 80% of the area’s median family income. Additionally, 23% of children 0-17 and 6% of seniors (age 65+) also had low access. Poverty by race in Census Tract 6 is: 15% Asian, 25% Hispanic, vs. 10% white. Census Tract 6 ranked 17th of 21 for median income in Eau Claire County, and 1123 of 1389 in Wisconsin (lowest 20%).

According to the U.S. Department of Agriculture’s (USDA) Food Environment Atlas (<https://www.ers.usda.gov/data-products/food-access-research-atlas/>), over 26% of Eau Claire County residents have low access/proximity to a grocery store – our Census tract is included as Low Income/Low Access for food. FeedingAmerica.org notes 11.5% have food insecurity in the County, with 69% of food insecure people receiving food stamps/SNAP. The County has a staggering annual food budget shortfall of \$5.8M.

This all leads to higher environmental justice, as noted in EPA’s Environmental Justice Screening Tool (EJSCREEN). The project area is in the 66th-70th percentile (only 30-34% of population are worse) in the state for having poor air quality indicators (PM2.5, ozone, air toxic cancer risk, respiratory hazard index). Site development will remove these local hazards to these disproportionately impacted populations.

2.b Community Engagement

i. Project Involvement: The City recognizes the need for involvement of multiple authorities, agencies, and community groups. We don’t have many organized citizen groups in our community so will be relying on connecting with individuals in our area in our outreach and communications. Relationships between the City and other government and local agencies have been developed through the preliminary stages of this project development. These agencies have been involved with the City in the past and currently on community projects and planning. They will likely be involved during implementation of an EPA Cleanup Grant, and include the local School Districts, WDNR, U.S. Army Corps of Engineers, and WisDOT. The City has received a letter of acknowledgement from the WDNR, who will provide valuable guidance and oversight of the proposed remediation and redevelopment process, including approval of proposed remedial design and project closeout upon completion. The City anticipates other state agencies, such as the Division of Public Health (DPH) under the Wisconsin Department of Health Services, will become involved and play important roles as the remediation process is implemented and additional statistics collected in future years.

ii. Project Partners and Roles - Community-based organizations have been instrumental in creating a vision for the revitalization of the former dumping property. Unfortunately, the neighborhood in the direct vicinity of the site does not have an organized citizens group. The following community organizations will provide support and be deeply involved in the implementation of this grant. :

West Central Wisconsin Regional Planning Commission (WCWRPC) are committed to investing in targeted redevelopment in the City that fits the needs of the community, which include workforce housing, commercial and industrial opportunities, and recreational amenities. Contact: Lynn Nelson, Executive Director, lnelson@wcwrpc.org, 715.836.2918.

Eau Claire Redevelopment Authority (RDA) has played a role in city redevelopment since the late 1990s. Most current RDA members are local business owners and operators with redevelopment project experience. Eliminating blight and enhancing the City environment is their top priority. The RDA will help to advance the program by promoting available business opportunities, programs, and partnerships that foster business development near the Malden Avenue Site. Chairperson Thomas Kemp, Kempta@uwec.edu, 715.598.7430.

iii. Incorporating Community Input- Community involvement in the cleanup and redevelopment process is a primary objective of the City of Eau Claire and our other partners. Past City activities included monthly steering committee meetings (public noticed), periodic subcommittee meetings, community open houses, local news media programs, website, flyers, and community newsletters. These past activities will provide the initial

groundwork that we'll build upon for the implementation of the Cleanup Grant (note: the draft Cleanup Grant application and draft ABCA complied with the public notice requirements, the documentation of which are included in Attachment E.). Eau Claire's goals through these approaches include gathering input and specific needs, exchanging relevant information regarding the status of the site development goals, brainstorming necessary and effective action steps, and engaging the entire community's network of business contacts and lenders. The City will continue to gather input as appropriate from private and public entities, welcoming comments, and ideas. Following grant award, the City will implement a communication strategy that will both provide on-going updates to the public on this project, as well as continue to solicit input on how this construction/remediation may be improved to minimize the disruptions or mitigate the health risks to the neighborhood and community. This process will include implementing a Brownfield Advisory Committee (BAC), hosting public information forums/meetings, and developing a multimedia public engagement strategy.

3. TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS

3.a. Proposed Cleanup Plan: The preferred alternative for addressing the historic fill and waste material at the site will be soil and waste excavation and landfilling at the Advanced Disposal Seven Mile Creek Landfill in Eau Claire, and capping with clean soil. This approach would permanently address the contamination and provide a clear path toward case closure with some continuing obligations with the WDNR. This approach would eliminate pathways to health impacts from soil (direct contact), by removing the waste material contributing to those environmental issues. Future obligations would depend on site use but may include vapor mitigation system in the new building or further limited waste excavation and disposal in areas of deeper excavations such as foundations. Work would need to include clearing and grubbing of wooded area over this waste to allow for excavator and truck access to the disposal footprint. The area of concern based on past boring and test pit data is approximately 2.5 acres and contains an estimated 20,000 cubic yards of contaminated soil and historic waste material. Due to the high volume of soil and a site development plan that is still being designed, the prudent approach was removal of the upper material and capping with clean soil to allow for a relatively blank slate for construction. Upon removal of this material, clean backfill approved through the WDNR voluntary party liability exemption (VPLE) protocols will need to be hauled back in to restore grades for a buildable site. This material would be 'clean' and compacted in lifts with a vibratory drum roller as it is placed. Upon completion, the site will be re-parceled with a certified survey map (CSM) and redeveloped with support from a private party.

3.b. Description of Tasks/Activities and Outputs

Task/Activity: Task 1 Programmatic Activities
i. Project Implementation: <ul style="list-style-type: none"> Meeting terms and conditions of the Cooperative Agreement, including quarterly reports, financial reporting and accountability, property profile forms, and financial audits. While our staff haven't directly worked in ACRES, we've watched the PowerPoint Getting Started: ACRES training for New Grantees on EPA's website and understand our obligations. Retain a qualified environmental professional (QEP) to assist in managing the activities funded by the EPA grant. We will procure these services through a qualifications-based bid process. Request for Reimbursements Travel & Training (brownfields related meetings, training sessions, conferences)
ii. Anticipated Project Schedule: Quarterly reporting beginning in late 2021, regular updates per progress 2021-2022
iii. Task/Activity Lead: QEP with oversight by City staff
iv. Outputs: RFP/RFQ; documentation, high-quality QEP, EPA quarterly reports, annual federal reports, ACRES updates, summary report and forms, forms submitted to Las Vegas for payment, attend meetings, conferences and training sessions, and managing the cleanup schedule and budget.
3c. Cost per unit: 50 hours at \$100 per hour.
Task/Activity: Task 2 Remediation Design
i. Project Implementation:

<ul style="list-style-type: none"> Kickoff meeting with State WDNR, EPA, and QEP (as soon as QEP in place) Prepare ABCA, remedial action plan with WDNR (Q1-Q2 of grant cycle, late 2021) Green and sustainable remediation (GRS, before, during, after remediation activities) Prepare decision document (Q1 of grant cycle 2021) Prepare remedial design and engineering documents (October 2021-March 2022) Prepare site-specific QAPP and HSP (Q1 2022)
ii. Anticipated Project Schedule: fall 2021-2022, detailed schedule also noted above in item i
iii. Task/Activity Lead: QEP with oversight by City staff
iv. Outputs: Plan of Action and schedule identified, approved ABCA, GSR language in ABCA and RFP, public comment summary letter, approved remedial action and engineering/design documents and approved budget, Quality Assurance Project Plans (QAPP), Health and Safety Plan (HASP), and Remedial Action Plan (RAP), completing the WDNR Coordination and Approval Processes.
v. Cost per unit: 100 hours at \$100 per hour. If budget allows or as part of our cost share, WDNR review fees will be included in this item as a cost share, estimated at \$1,050.
Task/Activity: Task 3 Remediation
i. Project Implementation: <ul style="list-style-type: none"> Implementation and oversight of cleanup activities (soil and waste excavation and disposal, placement of backfill, site restoration, maintenance of erosion control measures, construction oversight) Collection of confirmation samples (when remedial activities complete) Cleanup documentation (within 90 days of completion of remedial activities) Cleanup complete documentation (following completion of remedial activities)
ii. Anticipated Project Schedule: fall 2022- project closeout spring 2023.
iii. Task/Activity Lead: QEP
iv. Outputs: Soil excavation and disposal, placement of backfill, site restoration, maintenance of erosion control measures, and closeout of the construction contract. This also includes construction oversight, soil confirmation sampling, and documenting work is done in accordance with the RAP. Daily inspections and weekly site reports by QEP, sample analytical results.
3c. Costs per unit: The total costs for these tasks include an estimated \$530,000 for site preparation and contaminated soil removal and disposal (estimated removal of upper 2 feet, \$112/ton excavate/haul/dispose), \$36,000 for installation of engineered soil (3,600 cubic yards at cost of \$10/CY) and \$34,000 in environmental consulting fees, construction assistance, laboratory fees, project documentation, and regulatory closeout. Costs in task includes primary cost share.
Task/Activity: Regulatory Coordination/Closure
i. Project Implementation: City and QEP will coordinate with EPA and WDNR so that regulatory documents and closure letters are submitted in a timely manner.
ii. Anticipated Project Schedule: Will begin in 1 st quarter of grant cycle and have on-going communication as progress progresses to close out in 2023.
iii. Task/Activity Lead: QEP with City assistance
iv. Outputs: Coordination with the EPA and WDNR to confirm cleanup criteria and remedial action objectives, remedial action documentation report, submitting a case close request and associated GIS Registry documents to the WDNR, applying for permits, and paying regulatory fees.
3c. Costs per unit: 10 hours of applicant personnel (\$50/hr) to assist in meetings with WDNR, and at least 65 hours (\$100/hr) outside staff time. If budget or cost sharing obligation is needed, Closure packet costs will be \$1350 to WDNR paid as matching costs not included in budget table below.
Task/Activity: Community Involvement

i. Project Implementation:

- Work with partners to ensure commitments are implemented (ongoing)
- Prepare community relations plan (Q1 of project, late 2021)
- Establish information repository (Q1 2021)
- Public meetings (summer 2022 prior to construction)
- Prepare fact sheets and communicate the status and progress of the site cleanup progress. Project updates will be posted on the City website and status updates will be provided to property owners in the neighborhoods adjoining this property (ongoing)

ii. Anticipated Project Schedule: Detailed schedule above; ongoing throughout grant period.

iii. Task/Activity Lead: City and community input

iv. Outputs: Community Relations Plan, project fact sheet, website updates, website development, public meetings, handouts during public meetings, and meeting minutes.

3c. Costs per unit: 12.5 hours of senior staff time (\$100/hr), \$750 in presentation material and newspaper advertising fees

3.c. Cost Estimates (see above for costs per unit)

Budget Categories		Project Tasks (\$)					Total
		Task 1 Programmatic Activities	Task 2 Remedial Design	Task 3 Remedial Action	Task 4 Regulatory Coordination	Task 5 Community Involvement	
Direct Costs	Personnel (H)				\$500	\$1,250	\$1,750
	Supplies (H)					\$750	\$750
	Contractual (H)	\$5,000	\$10,000	\$476,000	\$6,500		\$497,500
Total Direct Costs		\$5,000	\$10,000	\$476,000	\$7,000	\$2,000	
Total Federal Funding		\$5,000	\$10,000	\$476,000	\$7,000	\$2,000	\$500,000
Cost share*			\$1,050	\$98,950			\$100,000
Total Budget		\$5,000	\$11,050	\$574,950	\$7,000	\$2,000	\$600,000

*Note that the cost share provided by the City of Eau Claire, described in b., above, will be distributed according to the needs of the project and funds may be provided in the form of general funds, in-kind services, DNR fees, grants, or other sources.

**The actual project budget will vary depending on the results of the ABCA/RAOR remedial option process, final selected remedial action alternative, and contractor bids. Estimates for each task noted in Table 3b above.

3.d. Measuring Environmental Results: Anticipated project outputs will include a Work Plan, an EPA accepted QAPP and HASP, an accepted ABCA and WDNR RAP with noted preferred option, completed remediation activities, final documentation report describing how actions complied with RAPs submitted to WDNR with review fee, and submittal and acceptance of site closure registry package to the WDNR that notes completion of remedial actions and obligations at the site (with the exception of long-term obligations or deed restrictions). Other outputs will include a Community Relations Plan, public meeting handouts, presentations, and minutes, website development and pages, and implemented media strategy. Regularly submitted performance reports and ACRES reporting will be incidental to this project output list. Outcomes documented and measured will include; acres of land remediated and redeveloped, acres of greenspace and parks preserved or created, direct jobs created, tax revenue generated, pre- and post-redevelopment property values; outside investment leveraged, including other grant funds; and measured impacts on property values within 1,000 feet.

4. PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE**a. Programmatic Capability:**

i. Organizational Structure – With the EPA to make up the funding gap, the City and its team, with their collective experience in redeveloping large properties like the 120 acre Skypark Industrial Center, are fully prepared to implement the cleanup activities. The City has a history of appropriately expending, administering, and reporting

on grant funds from state, federal, and private sources. We will be administering a successful grant award using our staff with help from a consultant and the City of Eau Claire's finance department. During project implementation, we understand we will be required to work with the WDNR in development of a RAP, which outlines the remediation approach to be implemented; conduct public meetings presenting this approach to solicit feedback; documenting and reporting to the WDNR that remediation was performed in accordance with plan; and submitting a case closure request when the remedial goals were met. This will be done in collaboration with the EPA and the cooperative agreements in place between WDNR and EPA for our state.

ii. Description of Key Staff-Specific individuals involved in implementation include: **Aaron White, MBA**– City Economic Development Manager. Aaron will be lead on this project and has led other federal projects. With over 12 years of public service, including work in Kansas and Wisconsin, he is responsible for project redevelopment, economic development, and strategic initiatives for the City; **Kristine Basom** – City Budget Analyst, responsible for record keeping, financial draws or reimbursements for federal programs, and general project accounting. Ms. Basom is a key partner in grant management and financial tracking on a variety of state and federal grant and loan programs for the City; **Dave Solberg**- City Engineering Director. Dave has been Engineering director for the City for the last 7 years, prior to which he was a Supervisor at the Wisconsin DOT. He's familiar with federal grants and will be instrumental in design, permitting, and construction review during project implementation. The City has a long history of redevelopment dating back to the 1980's. The City has successfully completed redevelopment projects on former landfill sites (Uniroyal), redeveloped former industrial areas (N. Barstow/the Cannery District), and has leveraged private donorship on many projects through Economic Development Administration (EDA) Revolving Loan Fund (RLF).

iii. Acquiring Additional Resources - The City of Eau Claire understands additional technical expertise and resources will be needed to effectively complete the proposed remediation project. We will retain through federal procurement regulations (2 CFR 200.317-326) a qualified environmental consultant to assist in managing the activities funded by the Cleanup Grant. This will include evaluating (1) the number of EPA grants the environmental consultants have helped manage; (2) the consultants' understanding of the Clean Up Grant process and QAPPs, and (3) the consultants' understanding and ability to help with community outreach and education. The consultants will be evaluated on their experience with Wisconsin environmental laws, regulations, and EPA requirements and policies; environmental due diligence; transactions of environmentally impaired property; environmental site assessments (ESAs); environmental remediation projects; brownfield redevelopment and financing; and community outreach activities.

4.b. Past Performance and Accomplishments:

ii. The City of Eau Claire has never received an EPA Brownfields Grant but has Received Other Federal Funding.

(1) Purpose and Accomplishments - The City of Eau Claire has experience with managing state grant and loan funds related to revitalization and redevelopment. The City currently administers 4 loan funds (3 seeded with local money, and the 4th being an EDA RLF). Administered funds total over \$700,000. Additionally, the City has been and continues to be successful in the redevelopment of the North Barstow Redevelopment District near the Eau Claire River and Phoenix Park. The City of Eau Claire implemented a Tax Increment Financing District to underwrite the costs associated with property acquisition, development of Phoenix Park, and area redevelopment. As a result of this investment, Royal Credit Union has constructed a 100,000-square foot corporate headquarters valued at \$12,000,000 in the North Barstow Redevelopment District. Additionally, JAMF Software has just completed a 65,000-square foot office facility occupied by 150 employees. Further developments include 215 new units of loft apartments have recently been completed in the North Barstow Redevelopment District bringing over 300 new residents downtown. We believe this grant, if awarded, will act as a necessary catalyst in advancing our current community redevelopment movement forward.

(2) Compliance with Grant Requirements - The City of Eau Claire has grant administration experience dating back over 10 years, and we have managed these projects in accordance with the agencies or grantors terms and conditions as demonstrated by annual audits. Additionally, all reporting requirements were met, and projects were completed within the scheduled time limit where applicable. The City will use EPA Brownfields Cleanup Grant funds in accordance with all requirements and conditions set forth by the EPA. In compliance with federal guidelines, the City will retain consultants to assist in the management of specific aspects of the grant should we lose or the necessary in-house expertise or need further assistance.

Attachment A

Part of Narrative Attachment

Financial Match Resolution, Leverage Funds Information



CITY OF EAU CLAIRE

Department of Finance

Phone: (715) 839-6044

Fax: (715) 839-4940

October 1, 2020

RE: U.S. EPA Brownfields Hazardous Material Cleanup Grant Application Submittal

I certify, as the City of Eau Claire Finance Director, that the City of Eau Claire has \$100,000 allocated as part of the 2020 Capital Improvement Plan to provide the 20% match for the U.S. EPA Brownfields Hazardous Material Cleanup Grant.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay Winzenz", is written over a horizontal line.

Jay Winzenz
Finance Director
City of Eau Claire

MINUTES

EAU CLAIRE CITY COUNCIL LEGISLATIVE MEETING

Tuesday, July 23, 2019

Eau Claire County Board Room

4:00 p.m.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Council President Weld called the meeting to order. The following Council Members were present: Emily Anderson, Kate Beaton, Laura Benjamin, Emily Berge, Jill Christopherson, Catherine Emmanuelle, Jeremy Gragert, John Lor, Terry Weld and Andrew Werthmann.

Council Members absent: David Klinkhammer.

CONSENT AGENDA

The Council considered a resolution adopting the Consent Agenda for the following items of routine business on Tuesday, July 23, 2019:

- Adopting the Consent Agenda.
- Approving the Minutes of the July 9, 2019 Council Legislative Session.
- Authorizing the Children's Museum of Eau Claire to conduct the Downtown Block Party on Sunday, August 11, 2019 on Barstow Street and Grand Avenue.
- Authorizing Downtown Eau Claire, Inc. to conduct A Grand Evening on the Bridge on Wednesday, August 21, 2019 on the Grand Avenue Bridge.
- Authorizing UW-Eau Claire Athletics to conduct UW-Eau Claire home football games on Saturdays, September 7, September 28, October 12, October 26, and November 16, 2019, in Carson Park.
- Authorizing Paul Bunyan Logging Camp Museum to conduct the U.S. Open Chainsaw Sculpture Championship at the Paul Bunyan Logging Camp Museum in Carson Park from Thursday, August 1, 2019, through Sunday, August 4, 2019.
- Granting new bartender licenses.
- Granting the renewal of bartender licenses for the 2019-2021 licensing period.
- Granting a Change of Agent for the Combination Class A Intoxicating Liquor and Fermented Malt Beverage license of Kwik Trip, Inc., d/b/a Kwik Trip #210, 1506 Black Avenue, from Ricki L. Gudis to Brandon B. Balts.
- Granting a Change of Agent for the Class A Fermented Malt beverage license of Fleet Farm Group, LLC, d/b/a Fleet Farm Fuel, 3150 Old Town Hall Road, from Christopher V. Nedland to Jason Balk.
- Granting a Change of Agent for the Class A Fermented Malt Beverage and Class A Intoxicating Liquor (Cider only) license of Cenergy, LLC, d/b/a Mega Holiday #3720, 539 Water Street, from Catherine TePaske to Brian Effinger.
- Granting a Change of Agent for the Combination Class B Intoxicating Liquor and Fermented Malt Beverage license of Ivory Piano Bar Inc., d/b/a Ivory Piano Bar, 2526 Golf Road, from Jinnea A. Paulson to Michelle Rieckens.
- Granting a Temporary Class B Fermented Malt Beverage & Temporary Class B Wine license to Paul Bunyan Logging Camp of Eau Claire Inc., Gordy Wall, President, on August 1-4, 2019, at 1110 Half Moon Drive, for the U.S. Open Chainsaw Sculpture Championship.

- Granting a Temporary Class B Fermented Malt Beverage license and Temporary Class B Wine license to Downtown Eau Claire Inc., Zan Degen, president, on August 21, 2019, on the Grand Avenue Foot Bridge, for A Grand Evening on the Bridge.
- Awarding a contract for Procurement No. 2019-43, RFP for Transit Transfer Center Construction Management Services.
- Awarding a contract for Procurement No. 2019-47, Purchase of Snow and Ice Control Salt.
- Awarding a contract for Procurement No. 2019-48, Purchase of Three (3) 40' Hybrid Electric Buses.
- Final resolution granting petitions and waivers for sidewalk construction at various locations in the City of Eau Claire.
- Approving the Revolving Loan Fund Semi-Annual Report for EDA-Funded Revolving Loan Fund.

Thereupon a motion was offered by Council Member Emanuelle and seconded by Council Member Berge “to adopt the consent resolution.” Said motion passed by unanimous vote.

PROCLAMATION

President Weld read a proclamation proclaiming Tuesday, August 6, 2019, as National Night Out Against Crime in the City of Eau Claire and calling upon all citizens of Eau Claire to join the sponsors on August 6th at the 25th Annual Kick Off event in support of the Night Out on Crime.

GRANT

The City Council considered a resolution accepting and appropriating a Land and Water Conservation Fund grant from the Wisconsin Department of Natural Resources (WI DNR) for the Ferry Street Dog Park Development. Thereupon a motion was offered by Council Member Lor and seconded by Council Member Christopherson “to adopt the resolution.” Said motion passed by unanimous vote.

FOREST STREET GREEN SPACE NAMING

The City Council considered a resolution approving naming the Forest Street Special Area to Veteran’s Tribute Park. (Request withdrawn by applicant.) Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Christopherson “to indefinitely postpone.” Said motion passed by unanimous vote.

CAPITAL IMPROVEMENT PLAN

The City Council considered a resolution approving the 2020-2024 Capital Improvement Plan for the City of Eau Claire. Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Gragert “to adopt the resolution.”

Thereupon a motion was offered by Council Member Werthmann and seconded by Council Member Beaton “to amend” the **Proposed 2020-2024 Capital Improvement Plan for Fund 434, Land, Building & Equipment by moving \$500,000 in funding from the year 2023 to 2020 to support the development of multi-family affordable housing.**

Council Member Klinkhammer entered Council Chambers.

Discussion was held. Said motion “to amend” passed by the following vote:

Aye: Council Members Anderson, Beaton, Benjamin, Christopherson, Emmanuelle, Gragert, Lor, Weld and Werthmann. Nay: Council Members Berge and Klinkhammer.

Thereupon a motion was offered by Council Member Beaton and seconded by Council Member Werthmann “to amend” the Proposed 2020-2024 Capital Improvement Plan for Fund 450 Parks and Recreation by adding \$20,000 in 2020 to fund the addition of a Skate Plaza at Boyd Park.

To accommodate this new project, 2020 funding for the following projects are reduced:

406-005	Parking: Galloway Street Ramp Routine Maintenance	(\$2,000)
434-008	Public Space Cameras	(\$1,000)
434-009	Management Information Systems	(\$1,000)
434-020	Switch Replacement	(\$3,000)
441-013	Dewey Street Redeck	(\$10,000)
450-006	Fountain/Water Feature at Wilson Park	<u>(\$3,000)</u>
		(\$20,000)

Thereupon a motion was offered by Council Member Christopherson and seconded by Council Member Anderson “to amend the amendment” by substituting with the following:

Whereas, the Boyd Park Skate Plaza Group and the Skateboard Community represent a vibrant part of Eau Claire’s diverse creative culture;

And, whereas, city parks, school and community play areas continue to build infrastructure to support “typical” sports without expanding to support new sports or activities;

And, whereas Eau Claire has fewer skateboard facilities than desirable to support the existing local demand or to match the investment of surrounding communities;

And, whereas, the Skateboard Community has shown interest in expanding our local facilities by entering into an MOU with the city of Eau Claire and has successfully advocated for their sport by raising money for a new and larger Skate Park to be located in the Boyd Park Plus;

And, whereas, the funding to secure that Skate Park is achievable with the support of Eau Claire city and the Eau Claire city council;

Therefore, be it resolved that the city of Eau Claire supports including the skate park in the Boyd Park Plus design while the fundraising is completed. A representative of the City Council will support the Boyd Park Skate Plaza Group to complete the fundraising consistent with the Memorandum of Understanding between the parties:

Be it Further Resolved, that the Council hereby moves to amend the 2020-2024 Capital Improvement Plan and to appropriate \$75,000 in the CIP for 2020 while fundraising is being completed.

Council Member Emmanuelle offered a friendly amendment that Council Member Christopherson's name should be inserted as the Council Representative. Said friendly amendment was accepted by the mover without objection.

A vote was then taken on the motion "to amend the amendment." Said motion failed by the following vote: Aye: Council Members Benjamin, Christopherson, Klinkhammer, Lor and Weld. Nay: Council Members Anderson, Beaton, Berge, Emmanuelle, Gragert and Werthmann.

A vote was then taken on the motion "to amend" as offered by Council Members Beaton and Werthmann. Said motion passed by unanimous vote.

Thereupon a motion was offered by Council Member Gragert and seconded by Council Member Werthmann "to amend" the Proposed 2020-2024 Capital Improvement Plan for Fund 406 Parking Improvements by adding \$10,000 in every year of this CIP to fund bicycle parking facilities at city-owned facilities and for city operations such as special events. This would include the purchase of bike corrals, bicycle racks, and mobile bike parking, for use at city parks, special events, and for city buildings/parking lots. To accommodate this new project, projects #406-002 –Parking: Wayfinding and #406-003 Parking: Technology are each reduced by \$5,000 in every year of this CIP. Said motion passed by the following vote: Aye: Council Members Anderson, Beaton, Benjamin, Berge, Christopherson, Emmanuelle, Gragert, Lor, Weld and Werthmann. Nay: Council Member Klinkhammer.

A vote was then taken "to adopt the resolution with amended CIP." Said motion passed by unanimous vote.

Council Member Benjamin left Council Chambers.

CANNERY REDEVELOPMENT DISTRICT TAX INCREMENTAL DISTRICT NO. 13

The City Council considered a resolution adopting the Project Plan and designating boundaries for Tax Incremental District No. 13, Cannery District. Thereupon a motion was offered by Council Member Beaton and seconded by Council Member Anderson "to adopt the resolution." Said motion passed by the following vote: Aye: Council Members Anderson, Beaton, Berge, Christopherson, Emmanuelle, Gragert, Klinkhammer, Lor, Weld and Werthmann. Absent: Council Member Benjamin.

Council Member Benjamin returned to Council Chambers.

CANNERY REDEVELOPMENT DISTRICT DEVELOPMENT AND PURCHASE AGREEMENT

The City Council considered a resolution authorizing the City Manager to enter into a Development and Purchase Agreement with W Capital Group, LLC for property located at 1700-1750 N. Oxford Avenue in the Cannery Redevelopment District. Thereupon a motion was offered by Council Member Emmanuelle and seconded by Council Member Berge "to adopt the resolution." Said motion passed by unanimous vote.

**CANNERY REDEVELOPMENT DISTRICT
ALLEY & STREET VACATION**

The City Council considered a resolution vacating the alley west of Oxford Avenue from Cameron Street to Maxon Street and discontinuing the northern one-half of Cameron Street from Mappa Street to Oxford Avenue. Thereupon a motion was offered by Council Member Lor and seconded by Council Member Christopherson “to adopt the resolution.” Said motion passed by unanimous vote.

The City Council considered a resolution releasing the utility easements within the alley west of Oxford Avenue from Cameron Street to Maxon Street and discontinuing the northern one-half of Cameron Street from Mappa Street to Oxford Avenue. Thereupon a motion was offered by Council Member Klinkhammer and seconded by Council Member Werthmann “to adopt the resolution.” Said motion passed by unanimous vote.

ANNEXATION

The City Council had first reading on an ordinance in accordance with Section 66.0217 Wisconsin Statutes, annexing to the City of Eau Claire and particularly to the 15th Assessment Ward, 2nd Aldermanic District, being a part of the Northeast 1/4 of the Southeast 1/4 of Section 1-26-9 West, Town of Washington, Eau Claire County, as shown on Planning Drawing No. 19-3A (D.G. Wogernese Petition).

ADJOURNMENT

The meeting adjourned without objection.

Adjournment: July 23, 2019

Time: 6:23 p.m.

ATTEST:

/s/ Terry L. Weld
Council President

/s/ Carrie L. Riepl
City Clerk

WPR



Gregory Bull/AP Photo

City Of Eau Claire To Spend \$700K To Spur Low-Income Housing Development

City Council Mulling Revolving Loan Fund, Purchasing Property For Single-Family Homes, Multi-Family Rentals

By Rich Kremer

Published: Monday, July 29, 2019, 5:45am

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The Eau Claire City Council will spend \$700,000 to spur developers to build low-income homes and apartment buildings next year.

Council members already planned on devoting \$200,000 to the development of single-family homes but after passionate testimony from community members, the council amended the resolution to add \$500,000 more for multi-family apartment buildings.

Councilwoman Kate Beaton told WPR it's the largest investment in affordable housing in Eau Claire's history.

"We want to be setting the stage to make it easier and cheaper for private developers to be developing more housing at many incomes, in particular at a lower income," said Beaton.

She said Eau Claire has been growing which has made it harder to find affordable apartments or homes catered to first-time buyers.

"We're seeing that the housing stock is actually really low across all income levels, which is bringing housing rates up across the board," she said.

Though the city council approved a resolution earmarking the money for affordable housing initiatives, there aren't any specific plans for how to do that yet. Beaton said some ideas that have been discussed include buying property for low-income housing, creating a revolving loan fund for developers or using the money to pay fees incurred by companies building homes and apartments.

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Two city council members, David Klinkhammer and Emily Berge, voiced reservations at a meeting last Tuesday about making money available before plans are drawn up.

"If we are going to make this dramatic a change I guess I would like more thought going into it and more assurance that the efforts that are being made will have the affect we desire," Klinkhammer said.

According to the Eau Claire County Housing Authority, there are 275 households on waiting lists for low-income rentals.

According to 2016 data from the United Way's Asset Limited, Income Constrained, Employed (ALICE) [report](#) on poverty, 28 percent of households in Eau Claire County are making less than the basic cost of living in the county.

In an interview with WPR, Eau Claire councilman Andrew Werthmann said increasing affordable housing stock is vital as the city draws new residents.

"We have a growing community but at the same time we have stagnant wages in our community," said Werthmann. "We're not seeing much of a difference in the last 15 years with the minimum wage."

Werthmann said he envisioned the single-family homes being between 1,000 and 1,200 square feet and likely costing between \$140,000 and \$160,000. He said the city council will be working on specific housing plans to ensure the \$700,000 set aside will have the greatest impact.

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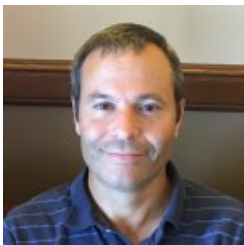
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Analysis: 2020 Eau Claire budget includes affordable housing funds, new position to work on this issue

NOVEMBER 19, 2019 BY [THE CVPOST ADMIN](#)

By Julian Emerson



Julian Emerson

The 2020 Eau Claire city budget includes not only money to address a shortage of affordable housing but also the addition of another employee whose tasks will include work on that topic.

The budget approved last week by the City Council calls for spending \$700,000 toward creating more affordable housing in the city.

Next year's budget also calls for creating a new associate planner position. The duties of the person hired for that job would include work on affordable housing and neighborhood outreach.

New position shows 'importance of this issue'

Filling that position would also free up other city employees to work on affordable housing, several City Council members said, and is a sign of the importance city officials place on making inroads on that issue.

The inclusion of the new position in the budget "signals the importance of this issue," council member Andrew Werthmann said. "This is something we as a Council are taking very seriously."

The Council previously backed moving \$700,000 in expenditures for affordable housing as part of a series of discussions in the summer. That money includes \$200,000 to incentivize single-family homes and \$500,000 to help developers offset the cost of building affordable apartments.

City leaders and other Chippewa Valley government officials have discussed the shortage of affordable housing for the past 1½ years. A report by the Chippewa Valley Affordable Housing Task Force notes housing shortages at all income levels in the region.

People at the bottom of the economic ladder have the biggest need for affordable housing, the report states.



A recently released study by the Institute for Research on Poverty at UW-Madison shows that the region comprised of Eau Claire County and the southern half of Chippewa County has the second-highest poverty rate, at 14.4 percent, among 28 geographic areas in Wisconsin, trailing only Milwaukee County's 17 percent rate.

Another report, the United Way of Wisconsin ALICE (Asset Limited, Income Constrained, Employed) study, shows 42 percent of Eau Claire County residents and 46 percent of those living in the city either live in poverty or are barely getting by. Many of those residents are in danger of losing their housing, local officials said, as their incomes have remained relatively stagnant in recent years while the cost of housing in the region has grown significantly during that time.

Eau Claire rents nearly double 10 years ago

For instance, rents in Eau Claire have nearly doubled during the past decade, with the average rent now about \$800 monthly. Leaders of local agencies that serve homeless people have said that population continues to grow as more people are priced out of their homes.

"We are seeing more and more people without homes, and as affordable housing becomes a bigger issue, the number of homeless people is likely to grow," said Brianne Berres, director of the Sojourner House homeless shelter in downtown Eau Claire.

In addition, many people seeking housing are being denied because of such factors as low income, past poor credit or evictions, or past criminal records. With a local rental vacancy rate of just 2 percent, landlords often can choose from numerous applicants seeking rental homes and exclude those they view as risks.

HOME

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Andrew
Werthmann



LeAnn Simpson, an Eau Claire resident, said she is in a tough situation because landlords are concerned her annual income is not enough money to pay housing costs and other bills.

[HOME](#)

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"It's a tough situation to be in," said Simpson, who said she and her children are living with a friend for now while she seeks a more permanent home. "I'm trying to get a higher-pay job. But right now this is the best I can do."

To assist such situations, the JONAH (Joining Our Neighbors, Advancing Hope) affordable housing task force recently announced its intention to form a tenant rights resource center in the Chippewa Valley in 2020. The effort is designed to assist tenants, in part by reducing the number of evictions, as well as to educate tenants and landlords about rental responsibilities.

Note: this article was first published on Julian Emerson's [Facebook news page](#), where it is possible to leave comments if you wish.

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Related

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To contact the **CV Post's** new community reporters, Julia Lopez and Ta'Leah Van Sistine, about possible stories, [click here](#) and be sure to include "ATTN Community

Attachment B

Threshold Criteria Response

ATTACHMENT A: THRESHOLD CRITERIA

1. Applicant Eligibility

Eligible Entity: The applicant for this EPA Brownfield Cleanup Grant is the City of Eau Claire, WI, an eligible municipal applicant. The internal group at the City responsible for implementing and managing the grant is the Economic Development Division that takes the lead on purchasing and assisting in real estate for investment or future development purposes to benefit the City's Goals as outlined in Comprehensive or other Plans.

2. Previously Awarded Cleanup Grants

Neither the City of Eau Claire nor any other eligible entity has received an EPA Brownfield Cleanup Grant for the subject site applied for herein (820 Malden Avenue, Eau Claire, Wisconsin)

3. Site Ownership

The City of Eau Claire has owned the site since 2017. Prior to site acquisition the City commissioned Phase I and Phase II Environmental Site Assessments on the 5.7-acre property. A copy of the City of Eau Claire 2020 Property Record (<http://eauclairecowi.wgextreme.com>) showing ownership is included in Attachments. The property transfer date was May 2017. The site was formerly owned by E&E Smith Rentals LLC, and prior to that, Steven E Smith and Steven E Smith Trust.

4. Basic Site Information

- 4.(a) Site name: 820 Malden Avenue Dump Site
- 4. (b) Address: 820 Malden Avenue, Eau Claire, Wisconsin 54703
- 4. (c) Current Owner: City of Eau Claire, Wisconsin

5. Status and History of Contamination at the Site

- 5. (a) *Type of Contamination:* The predominant site contaminant is **hazardous** substances in soil including volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), and metals (mercury, barium, selenium and lead) as well as raw waste material that was historically dumped on the property that consisted of burnt material, various waste streams (electronic waste, tires, metal, bricks, other items) from unknown sources. No evidence of petroleum waste material or tanks were noted during the initial site assessments.
- 5. (b) *Operational history and current use:* The northern portion of the subject property is currently used for a City Fire House with a building constructed in 2018. Historically, the site was owned by a single family (Smith's) and their associated trust and most recently LLC. Historically the site was a vacant wooded lot with a small barn for horses, but the southern half to one-third of the site was part of an unauthorized landfill in the 1940s that extended off-site to the south. This unlicensed landfill and dumping area has been addressed at other off-site properties by other entities such as the DOT during road realignments and improvements. To date, this site has had minimal remedial efforts to address this historic waste material, consisting only of installation of a vapor mitigation system for the City Fire House and management of excavated material.

5. (c) Environmental concerns include VOCs, PAHs, and metals in soil as well as the residual waste material that is above both soil and groundwater standards.
5. (d) *How the site became contaminated, nature and extent of contamination:* The extensive dumping operations that occurred historically were not conducted nor supported by past owners contributed to the current state of the site. Phase II ESA along with test pits and vapor monitoring wells indicate the contamination is present on approximately 2.5 acres of the site and with noted depths of up to 30 feet below grade, may encompass as much as 15,000 to 20,000 cubic yards of waste material comingled with contaminated soil may be present at the site. No individual site release or causer is solely responsible for the current nature of the site. Soil contamination revealed detections of VOCs, PAHs and Resource Conservation and Recovery Act (RCRA) metals in soils, and compounds in these contaminant groups were found to exceed compound-specific Residual Contaminant Levels (RCLs) for the direct contact pathway in non-industrial and industrial scenarios, and the groundwater pathway, as calculated using the Wisconsin Department of Natural Resources (WDNR) Remediation & Redevelopment Program's RCL Spreadsheet in accordance with Chapter NR 720, Wisconsin Administrative Code.

The proposed redevelopment of the property will be for non-industrial use; therefore, site investigation values were compared to the non-industrial standards. Current data suggests that areas impacted by contaminated fill material are focused on the southern half of the property. Given the intermingled nature of the contamination at the site, it will be difficult during excavation of the site to differentiate between clean and contaminated material. As a result, it is anticipated that any soil removed from the site during redevelopment will require management as a solid waste.

6. Brownfields Site Definition

Applicant affirms the site meets the definition of a brownfield under CERCLA § 101(39) as described in Information on Sites Eligible for Brownfields Funding under CERCLA §104(k) EPA Guidance. Specifically, the site is “real property, the expansion, redevelopment, or reuse of which may be complicated by the presence ... of a hazardous substance, pollutant, or contaminant.” Attachment D contains further information from the Wisconsin Department of Natural Resources on this site's hazardous substance concerns. :

- (a) Not listed or proposed for listing on the National Priorities List;
- (b) Not subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA; and
- (c) Not subject to the jurisdiction, custody, or control of the United States Government.

7. Environmental Assessment Required for Cleanup Grant Applications

A Phase I Environmental Site Assessment was conducted on the site with a report date of May 2016. Based on the recognized environmental condition (REC) identified by the assessment, a *Phase II Environmental Site Assessment Report, Parcel No. 101410A on the Northwest Corner of Malden Ave. and Birch St. [820 Malden Ave]., Eau Claire,*

Wisconsin, was completed in June 2016. This assessment included conducting 12 test pits and sampling from six that were located in noted areas of fill for lab analysis of soil samples for VOCs, PAHs and RCRA metals. A subsequent investigation in November 2016 installed four borings in areas of fill and had temporary vapor wells installed that were analyzed for VOCs and permeate gases.

8. Enforcement or Other Actions

There are no ongoing or anticipated environmental enforcement actions or other actions related to the site for hazardous substances contamination as noted in the Wisconsin Department of Natural Resources Bureau of Remediation and Redevelopment Tracking System (BRRTS) or other databases.

9. Sites Requiring a Property-Specific Determination

The site does not fit the description of a “special class of property that is generally an ineligible brownfield site” and, therefore, does not require a property specific determination.

10. Threshold Criteria Related to CERCLA/Petroleum Liability

a. Property Ownership Eligibility – Hazardous Substance Sites

i. and ii. Not Applicable

iii. LANDOWNER PROTECTIONS FROM CERCLA LIABILITY

(1) Bona Fide Prospective Purchase Liability Protection

(a) Information on the Property Acquisition

- (i) The City of Eau Claire negotiated purchase from private party
- (ii) Acquired property on May 2, 2017
- (iii) The City has Sole Ownership of the property.
- (iv) Previous property owner from whom the City purchased the subject property: by E&E Smith Rentals LLC
- (v) The City has no familial, contractual, corporate, or financial relationship with past owners
- (vi) The City of Eau Claire is not potentially liable, or affiliated with any other person that is potentially liable for contamination at the site under CERCLA §107, because the City was not the owner or operator of the site at the time of treatment or disposal of a hazardous substance at the site (1940s) and because the City undertook a thorough investigation of the site compliant with All Appropriate Inquiry legislation prior to taking ownership of the site.

(b) Pre-Purchase Inquiry. On behalf of the City of Eau Claire., a pre-purchase inquiry at the Site was performed by a qualified environmental professional meeting the definition set forth in AAI regulations.

- (i). The Phase I ESA, compliant with ASTM E1527-013 and titled *Phase I Environmental Site Assessment, ASTM Practice E1527-13, Parcel No. 101410A on the Northwest Corner of Malden Ave. and Birch St.*

[820 Malden Ave]., *Eau Claire, Wisconsin*, was completed May 2016. a *Phase II Environmental Site Assessment Report, Parcel No. 101410A on the Northwest Corner of Malden Ave. and Birch St.* [820 Malden Ave]., *Eau Claire, Wisconsin*, compliant with ASTM standards was completed in June 2016. A subsequent investigation in November 2016 installed four borings in areas of fill and had temporary vapor wells installed that were analyzed for VOCs and permeate gases.

- (ii) Work was performed by Ayres Associates, an engineering consulting firm of approximately 300 staff, and the certifying staff was Lori Rosemore, PG, Project Manager and professional hydrogeologist who met the definition of an environmental professional as set forth in AAI regulations.
- (iii) The Phase I ESA was completed less than 1 year prior to ownership by the City, with update performed within 180 days (in November 2016) prior to City acquisition of the property.

(c) Timing and/or Contribution Toward Hazardous Substances Disposal. All the disposal of hazardous substances at the site occurred before the City took ownership of the site. The City has not, at any time, arranged for disposal of hazardous substances at the site or transported hazardous substances to the site.

(d) Post-Acquisition Uses: The northern portion of the site is currently used by the City for an active fire station, which was constructed following City acquisition. No firefighting training occurs with foam that is now prohibited in the state for perfluoroalkyl substance or perfluorooctanoic acid (PFAS/PFOA) content. The new building contains a vapor mitigation system as precautionary measures for waste remaining on the southern portion of the site. No other remedial activities were performed on the site during that initial redevelopment phase. Following cleanup using generous EPA Cleanup Grant Funds, the property will serve as the future site of a new multi-family housing or mixed use commercial and housing. No other site uses occurred or are occurring at the site beyond the fire station use.

(e) Continuing Obligations: Steps the City of Eau Claire is taking to stop existing releases, prevent threatened future releases, and prevent exposure to previous releases includes the following:

- ✓ Restricting the former to temporary use of the property only for Fire Station use and prohibiting training activities with prohibited foam since the duration of ownership.
- ✓ Site occupancy by the City use results in reducing the potential for trespassing, vandalism, or other dumping.
- ✓ Due to the nature of the site as it currently sits, the WDNR issued a condition exemption from regulations NR 506.085 which allowed

the City to build on this site, and has adequately evaluated the public safety risk of decomposing waste on methane generation which was deemed below any health risk for explosive gases.

- ✓ Design and implementation of future building, structure and pavement, and remediation activities, will follow applicable WDNR cleanup standards (Wisconsin Administrative Code [WAC] Chapter NR 700), practical guides for Green and Sustainable Remediation (WDNR Pub-RR-911, January 2012) and construction site erosion control best practices (WAC Chapter NR 216).

We confirm our commitment to:

- (i) Comply with land-use restrictions and institutional controls
- (ii) Assist and cooperate with those performing cleanup and provide access to the property
- (iii) Comply with all information requests and administrative subpoenas that have or may be issued in connection with the property
- (iv) Provide all legally required notices

10.(b). Property Ownership Eligibility Petroleum Sites: Not applicable.

11. Cleanup Authority and Oversight Structure

- a. Design and remediation will follow WAC Chapters NR 700-799 which establishes uniform standards and procedures so that responsible parties can effectively move through the investigation and remediation process with minimal oversight from WDNR. During all stages of design and cleanup, the City and its partners will work together with the WDNR to develop a strategy that meets all state and federal health and safety standards. Participation in the NR 700 Series Program will also help to ensure that institutional controls and monitoring programs are maintained into the future through registration in the Bureau of Remediation and Redevelopment Tracking System (BRRTS).

Shortly after the cleanup grant is awarded, the City will follow procedures detailed in 2 CFR 200.317-326 for the procurement process to select an environmental consultant project team and will release a competitive, public Request for Qualifications in order to select the team deemed most qualified by a review committee. The environmental consultant will be used to prepare a final cleanup plan, prepare plans and specifications for project bidding and to provide construction oversight during the cleanup process.

- b. The site is directly accessible by public roadways. Based on results of the Phase II ESA, access to neighboring properties will not be necessary for confirmation sampling, groundwater monitoring, or cleanup activities. However, the City of Eau Claire will maintain communication with adjacent property owners should access become necessary in the future. For the former dumping site subject to this application, areas

with known waste material, public rights-of-way adjoin south and east boundaries of the property. To access and implement remedial actions, no access is anticipated from neighboring properties.

12. Community Notification

a. Draft Analysis of Brownfield Cleanup Alternatives (ABCA)

A Draft ABCA prepared and was available for public meeting as noted below, and is included in the Attachments to this grant proposal.

b. Community Notification Ad:

The City of Eau Claire placed a notice of the meeting details including date, time, and how to access our virtual public meeting in the local newspaper (*Eau Claire Leader Telegram*) on October 6, 2020. A copy of this Cleanup Grant application and the Draft ABCA were made available for review at the Eau Claire City Hall, City of Eau Claire L.E. Phillips Public Library, and online at the following link, as noticed in the legal notice: <http://ayresprojectinfo.com/MaldenAveEPAGrant/>.

c. Public Meeting

Virtual webinar/on-line meeting hosted by the City was used in lieu of an in-person public meeting and was held on October 20, 2020 virtually as noted in our legal notice as follows:

Virtual Video Meeting Event Address for Attendees:

<https://eauclairewi.webex.com/eauclairewi/j.php?MTID=m2637d11582c55e1bdfa3c93fb003d517>

Audio Only Conference Option:

United States Toll +1-408-418-9388

Access Code: 146 845 8458

The meeting was intended to describe the draft ABCA and grant application and to receive public input and comments. The only attendance at the meeting was internal stakeholders (City of Eau Claire Economic Development Manager and an environmental consultant to the City). The community notification is included in the Attachments.

d. Submission of Community Notification Documents

The following are included in the attachments to this application:

- Copy of draft ABCA
- Copy of newspaper legal notice
- Summary of statement of no comments received
- Meeting minutes noting attendance

13. Statutory Cost Share

- a. : The City of Eau Claire will provide the required 20% match through the City's 2020 Capital Improvement Plan. In addition, should cleanup costs exceed the cleanup Grant

award plus the 20% match, the City will provide additional leveraged funds to complete the necessary cleanup work as is outlined in our proposal.

b.: A hardship waiver is not being requested.

Attachment C

Site Ownership Information

Eau Claire County

Owner (s):

CITY OF EAU CLAIRE

Location:

SW-NW,Sect. 15, T27N,R9W

Mailing Address:

CITY OF EAU CLAIRE

PO BOX 5148

EAU CLAIRE, WI 54702-5148

School District:

1554 - EAU CLAIRE AREA SCHOOL DISTRICT

Request Mailing Address Change

Tax Parcel ID Number:

Tax District:

Status:

18221-2-270915-230-0003 221-CITY OF EAU CLAIRE Active

Alternate Tax Parcel Number:Government Owned:Acres:

221101410001

5.7418

Description - Comments (Please see Documents tab below for related documents. For a complete legal description, see recorded document.):

A PCL OF LAND IN SW1/4-NW1/4 SEC 15-27-9 DESC AS FOLL COMM AT THE INTSEC OF THE N LN OF BIRCH ST & MALDEN AVE BEING THE POB THC N 811.25 FT TO SE COR OF LOT 4 BLK 3 FRANKS ADD THC W 282 FT TO THE W LN OF GALA AVE THC S 363.2 FT TO THE CTRLN OF SOMONA PARKWAY EXT THC E 12.4 FT THC S 244.05 FT THC W16.9 FT THC S TO N LN OF BIRCH ST THC E ALG N LN OF BIRCH ST TO POB ALSO LOTS 3 & 4 BLK 3 FRANKS ADD & THE E 30 FT OF VAC GALA ST ADJ

Site Address (es): *(Site address may not be verified and could be incorrect. DO NOT use the site address in lieu of legal description.)*

820 MALDEN AVE EAU CLAIRE, WI 54703

Attachment D

Wisconsin Department of Natural Resources Letters to the City Clarifying Governmental Liability Exemptions and Building on an Historic Site for Fire Station

Note: Fire Station is located outside limits of known waste material. This grant application addresses the portion of the site whose footprint is most impacted by this historic dump site.



April 28, 2017

Kristine Basom
Budget Analyst
City of Eau Claire
203 S. Farwell Street
Eau Claire, WI 54701

Subject: Applicability of the Wisconsin Local Government Unit Environmental Liability Exemption for the Property located at 820 & 860 Malden Ave., Eau Claire, WI
DNR BRRTS Case Numbers: 07-18-578915 and 09-18-517311
City Parcel Numbers: 10-1410-A (PIN 1822122709152300003) and 10-1391 (PIN 1822122709152302024)

Dear Ms. Basom:

On February 22, 2017, the Department of Natural Resources ("Department") received a request for a general liability clarification letter from the City of Eau Claire ("City") for the property located at 820 & 860 Malden Ave., Eau Claire, WI ("the Property"). A map of the Property is included with this letter as Attachment A.

This letter provides an explanation of the local governmental unit ("LGU") liability exemption authorized by Wis. Stat. § 292.11(9)(e), the Department's determination about the potential applicability of the LGU liability exemption at the Property, and a reminder of the City's responsibilities associated with any elective demolition, cleanup or redevelopment activities undertaken at the Property if acquired.

Documents Submitted and Reviewed

To assist in making a determination about the applicability of the LGU liability exemption for the Property, the Department requested documentation demonstrating compliance with the relevant statute. The Department received, and has reviewed, the following documents provided by the City:

- *Technical Assistance, Environmental Liability Clarification or Post-Closure Modification Request, DNR Form 4400-237, signed by Kristine Basom on Feb. 21, 2017, and all attachments included with the form (e.g., City Resolution No. 2016-545, adopted Dec. 13, 2016, authorizing a relocation order for the acquisition of land for the Fire Station #10 Project Located on Malden Avenue);*
- *Phase I Environmental Site Assessment, ASTM Practice E1527-13, for Parcel #101410A, Northwest Corner of Malden Ave. and Birch St., Eau Claire, WI. Prepared for the City of Eau Claire, May 2016, by Ayres Associates in Eau Claire;*
- *Phase II Environmental Site Assessment Report, Parcel No. 101410A, Northwest Corner of Malden Avenue and Birch Street, Eau Claire, Wisconsin 53703. Prepared for: City of Eau Claire, July 2016, by Ayres Associates in Eau Claire;*
- *Gas Probe Investigation Report, Parcel # 10-1410-A, Northwest Corner of Malden Ave. and Birch St. Eau Claire, Wisconsin. Prepared for: City of Eau Claire, November 2016, by Ayres Associates in Eau Claire.*
- *Data and documents included in the following Bureau for Remediation and Redevelopment Tracking System (BRRTS) database site files: 09-18-517311 and 07-18-578915; and in the Department's Solid and*

Hazardous Waste Information Management System (SHWIMS) database under the Facility Name “Birch St Historic Fill Site.”

- *Eau Claire City Council Resolution No. 2017-167, amending the relocation order for the acquisition of land for the Fire Station #10 project located on Malden Avenue in the City of Eau Claire; Adopted on April 25, 2017.*

Information about the Property and Environmental Activity Summary

The Property is described by the City, in its liability clarification request form and supporting documents, as 820 & 860 Malden Avenue, Eau Claire, WI 54703. Attachments to the request form, and online City of Eau Claire property assessment information, indicate that PIN 1822122709152300003 applies to 820 Malden Avenue (as does “parcel number” 10-1410-A), and PIN 1822122709152302024 identifies 860 Malden Avenue (as does “parcel number” 10-1391). The two parcels that make up the Property total approximately 6 acres of vacant land.

According to the May 2016, Phase I Environmental Site Assessment (ESA) prepared for the Property by Ayres Associates of Eau Claire, the assessment found no evidence of recognized environmental conditions in connection with the subject property except for the following:

- Recognized Environmental Conditions (RECs): The use of the subject property as a landfill, as identified by interviews and past reports written by RMT, Cedar Corporation and SEH for adjoining properties also associated with the same landfill, is considered to be a REC. The nature and extent of the fill material is unknown and is considered to be a REC due to the potential of a release of hazardous substances or petroleum products. No controlled or historical RECs, as defined by the ASTM E 1527-13 Standards have been identified by this assessment.

In July 2016, Ayres Associates completed a Phase II ESA at the Property to further investigate the RECs identified in the Phase I ESA. Their Phase II report states as follows:

- In response to these findings, a Phase II ESA was completed for the purpose of determining the presence or absence of soil contamination on the subject property. Twelve test pits were dug to a depth of 6-10 feet below ground surface (bgs) at selected locations to address the nature and extent of the fill material associated with the former landfill.
- The soils at the site generally consist of mostly fill on the southern portion of the site and native soil (poorly graded sand with some silt) on the northern portion. The fill thickness thins out to the north and southwest corner. Fill material consisted of concrete, brick, cinders, glass, and charred material mixed with silty sand. Test pits 1, 4, 10, 11, and 12 did not have fill material during the investigation.
- Groundwater was not encountered within 9 feet of the ground surface. Field screening with a flame ionization detector (FID) yielded readings of 0 instrument units (IUs) in all of the soils sampled. One fill sample (TP-2) noted VOC compounds, trichloroethene (TCE) and carbon tetrachloride, which exceeded Wis. Admin. § NR 720 residual contaminant levels (RCLs) established for the protection of groundwater. This sample was collected between 2 and 3 feet below ground surface on the southeast corner of the site and consisted of fill material.
- Three fill samples (TP-2, TP-7, and TP-8) exceeded polynuclear aromatic hydrocarbon (PAH) nonindustrial Wis. Admin. § NR 720 direct contact RCLs. The PAH constituents are as follows; benzo(a)anthracene, benzo(a)pyrene, dibenzo(a,h)anthracene, and indeno(1,2,3-cd)pyrene. All of these samples consisted of fill material.

- Naturally occurring metals were detected in each of the six fill samples submitted for analysis. Arsenic was detected at concentrations exceeding RCLs for the non-industrial soil direct contact pathway in three samples analyzed. The RCLs established for the protection of groundwater for arsenic were exceeded in one sample. However, all of the arsenic concentrations detected are consistent with naturally occurring background concentrations in soil for this region.
- In test pit #7 (TP-7), the concentration of lead exceeded the non-industrial soil direct contact pathway level in the fill material collected between 4 and 5 ft bgs. Four samples (TP-2, TP-3, TP-7, and TP-8) exceeded WDNR NR 720 Wisconsin Administrative Code RCL for metals for the protection of groundwater and the metals are as follows; barium, lead, mercury, and selenium. The soil sampled from TP-3 was native soil below fill.
- Conclusions and Recommendations: This Phase II ESA investigated the potential for soil contamination associated with the former use of the site as a landfill. Based upon field observations and laboratory analysis conducted for this Phase II ESA, Ayres Associates concludes that the fill material is considered to be a potential contaminant source. Also, based on analyzed native soil samples, the contaminated fill has the potential to leach metals (such as selenium) and VOCs into the surrounding native soil. Based on the findings, Ayres Associates recommends installing temporary gas probes to determine if there is any methane being produced from the fill material. Temporary gas probe installation will aid in determining whether a passive gas system or active gas system is required for future development. Since contaminant concentrations exceed RCLs, these findings are considered reportable to the Wisconsin Department of Natural Resources (WDNR).

Method and Purpose of Property Acquisition

In a February 21, 2017, memo to DNR West Central Region, “Re: Request for Clarification of LGU liability exemption at site” you indicate, “the intended use of the property is to build a new fire station #10,” and you reference a City Council Resolution that evidences this intent. You also provided two maps identifying the “site” (i.e. the Property) as city parcels 10-1410-A and 10-1391 (i.e. 820 & 860 Malden Avenue, Eau Claire), and other documents.

The December 13, 2016, City Council Resolution, No. 2016-545, indicates that the City shall purchase the Property “through friendly condemnation and not through the eminent domain process.”

The City also provided to DNR a copy of an Agreement for Purchase and Sale of Real Estate related to the Property, dated February 21, 2017. Numbered section 2 of the purchase agreement, titled “Method and Purpose of Acquisition,” states, “The Buyer, a local governmental unit (“LGU”), shall acquire the premises for the purpose of building a new fire station #10, as provided for in § 292.11(9)(e)1m.c.”

On March 16, 2017, DNR Program and Policy Analyst Barry Ashenfelter and Project Manager Gina Keenan participated in a conference call with you and other City staff regarding acquisition language related to the Property in the draft City Council Resolution.

On April 25, 2017, the Eau Claire City Council adopted Resolution No. 2017-167, declaring acquisition of the Property a necessity, and directing City staff to acquire the Property in accordance with the procedure set forth in Wisconsin Statutes § 32.06.

Liability Determinations

The Department provides the following statutory responsibility clarifications and assurances to the City, concerning its proposed purpose for, and method of, acquiring the Property, and intended reuse plans:

1. The City meets the definition of a “local government unit” (LGU) as described in Wis. Stat. § 292.11(9)(e)(1), and therefore the City is able to obtain the LGU exemption described in this statute.
2. In order to obtain the LGU liability exemption, an LGU must acquire a property using one of the methods, or for a purpose, listed in Wis. Stat. § 292.11(9)(e)(1m).
3. Documents provided to DNR clearly indicate that the City intends to take title to the Property “through friendly condemnation” under Chapter 32 of the Wisconsin State Statutes.
4. The term “friendly condemnation” is not mentioned or defined in state statutes. However, it is a commonly used term and DNR understands it to mean an abbreviated Chapter 32 condemnation process. Specifically, for condemnation of property for uses other than transportation-related matters, DNR considers the completion of Wis. Stat. §§ 32.06(1), (2) and (2a), to constitute a “friendly condemnation.”
5. When Wis. Stat. §§ 32.06(1), (2) and (2a) actions are appropriately taken, completed and documented, DNR agrees that the local government liability exemption authorized by Wis. Stat. § 292.11(9)(e)(1m)(c) is conferred and in effect at the pertinent property.
6. City Council Resolution No. 2017-167, adopted on April 25, 2017, clearly indicates that acquisition of the Property is necessary for a public purpose, and directs City staff to acquire title to the Property in accordance with the procedure set forth in Wis. Stat. § 32.06. If City staff do, in fact, acquire title to the Property as directed in the Resolution, then DNR determines that the local governmental unit environmental liability exemption authorized by Wis. Stat. § 292.11(9)(e), applies at the Property.
7. In addition to the exemption identified in Wis. Stat. § 292.11(9)(e), the City also acquires an exemption from the statutory responsibility to comply with state solid waste management standards at the Property, per Wis. Stat. § 292.23.
8. As discussed in the next section of this letter, both the local government environmental liability exemption and the solid waste management exemption have limits and conditions. They are not absolute, and the exemptions can be lost if the limits and conditions are not adhered to.
9. One key exception to the LGU liability exemption is the requirement to report known discharges of hazardous substances to the Department. The July 2016, Ayers Associates Phase II Report for the Property identifies contaminant concentrations exceeding RCLs, and notes that these findings are considered reportable to the Department. The Department expects these, and other identified discharges, to be promptly reported by the City after it takes title to the Property.

Local Governmental Unit Exemptions – Statutory Limitations and Conditions

When applicable at a specific property, Wis. Stat. § 292.11(9)(e), exempts a local government unit (LGU) from the following responsibilities of owners of property with contamination:

- The responsibility to take actions necessary to restore the environment and minimize harmful effects of hazardous substance discharges to soil, sediment, groundwater, surface waters and air of the state.

- The responsibility to comply with Department orders to take action to prevent hazardous substance discharges.
- The responsibility to reimburse the Department for activities it takes on the property to identify, locate, monitor, contain, remove or dispose of hazardous substances.

An exempt LGU, however, can lose its exemption (entirely or in part, depending on the circumstances) if a hazardous substance discharge is caused by an action taken by the LGU, or by the failure of an LGU to take various due care actions to prevent and report discharges, as identified in Wis. Stat. §§ 292.11(9)(e)(2) and (4). These due care actions include:

- Sampling and analyzing any unidentified substances in containers stored above ground on the Property;
- Removing and disposing, or properly storing, any hazardous substances in above ground containers on the Property that are leaking or likely to leak;
- Restricting access to the Property and keeping unauthorized persons from entering the Property;
- Immediately report any identified discharges of hazardous substances on the Property to the Department;
- Comply with Department requests when action is necessary to reduce to acceptable levels any substantial threat to public health or safety at the time when the Property is developed or put to its intended new use.

If a spill or other discharge of a hazardous substance occurs on the Property because of a failure to take the statutory due care actions, an LGU is not exempt from environmental investigation and cleanup responsibilities for that discharge. If that discharge mixes with other existing, subsurface contamination, and it is not possible or feasible to distinguish the different discharges, the LGU may become responsible for all the contamination.

Exempt LGUs, along with every other owner of property, must immediately report newly identified or otherwise known contamination to the Department per Wis. Stat. § 292.11(2). There is no exemption from this statutory requirement. Therefore, if the City possesses or controls the Property, the City must notify the Department immediately of any known discharge of a hazardous substance at the Property. See DNR publication RR-560, at <http://dnr.wi.gov/files/PDF/pubs/rr/RR560.pdf> for additional information about spill and discharge reporting.

One significant condition for maintaining an exemption, as outlined in Wis. Stat. § 292.11(9)(e)(4), is to comply with directions from the Department to take action to reduce to acceptable levels any substantial threat to public health or safety when the property is put to its intended use. It is important to consult with the Department before and during development work on the Property.

The LGU exemption is only available to local units of government as defined in Wis. Stat. § 292.11(9)(e)(1). This liability exemption is not transferrable from the City to future Property owners, except to other eligible LGUs.

The Property will be subject to full environmental responsibility and regulation by, at least, Wis. Stat. Ch. 292 and the Wis. Admin. Ch. NR 700 rule series if the City sells or otherwise transfers title to the Property to any person or entity other than another “local governmental unit” as defined in Wis. Stat. § 292.11(9)(e)(1). The new owner will become a responsible party, per Wis. Stat. § 292.11(3), and have legal responsibility for any remaining and necessary investigation and response actions.

Known causers of contamination (including LGUs) are always legally responsible, no matter how long ago the discharge occurred. Whenever possible, the Department requires the person or entity that caused the hazardous substance discharge to take appropriate response actions. The Department takes all steps available to it through state law to identify and compel the person or entity that caused the hazardous substance discharge to take necessary response actions. However, if the causer cannot be located, or is unable to pay, the owner of a property (unless exempt) is responsible for taking the appropriate actions.

Before beginning any demolition project at the Property, a pre-inspection is required, along with filing of DNR Form 4500-113, Notification for Demolition, which is available at <http://dnr.wi.gov/files/pdf/forms/4500/4500-113.pdf>. See DNR publication WA-651, at <http://dnr.wi.gov/files/pdf/pubs/wa/wa651.pdf> for additional information about demolition activities. Storm water management permits may also be necessary for demolition and construction activities.

Future Use of the Property

If the City intends to use or redevelop the Property during or after cleanup activities, the City should discuss proposed property uses and improvements with the Department before proceeding. Wis. Stat. § 292.11(9)(e)(4) requires the City take actions the Department determines are necessary to reduce to acceptable levels any substantial threat to public health or safety when the Property is developed or put into its intended use.

If soil is excavated at the Property, the City must determine whether the material is considered a solid or hazardous waste and ensure that any storage, treatment or disposal is in compliance with applicable state standards and rules. The City must also comply with long-term continuing obligations, if applicable, associated with closed environmental cases at the Property.

Safeguards should be taken to prevent volatile organic chemical vapors and methane gas from collecting in the structure. At a minimum, an external venting system should consist of a 6 to 12 inch gravel layer laid directly over the ground surface with an interconnected system of 4-inch diameter polyvinyl chloride (PVC) or corrugated drainage pipe installed in the top 4 inches of the gravel. If future gas sampling indicates methane gas at a concentration greater than 1.25% methane by volume the gas collection piping shall be modified to include an explosion proof blower exhausting above the roof line. A vapor barrier consisting of a minimum 30-mil thick polyethylene geomembrane welded at the seams or other approved systems providing a continuous vapor barrier between the venting system and the floor slab shall be installed. Filter fabric or a 6-inch layer of fine sand should be placed on top of the geomembrane to act as a cushion.

Federal Liability Protections

In addition to state liability protections, an LGU is also eligible for federal CERCLA liability protections in certain situations. In general, CERCLA provides liability protection to local governments that acquire property as a function of their governmental powers. This is called the Involuntary Acquisitions Exemption, and includes obtaining property through bankruptcy, tax delinquency, abandonment, and other circumstances in which the local government involuntarily acquires title by virtue of its function as a sovereign. More information is available on the US EPA web site at: <http://www.epa.gov/enforcement/state-and-local-government-activities-and-liability-protections>.

In situations involving the purchase of a property, an LGU can obtain CERCLA liability protections if it qualifies as a “bona fide prospective purchaser.” One key requirement for this protection is the completion of a Phase I environmental site assessment (ESA) that meets the “all appropriate inquiries” (AAI) standards under 40 CFR, Part 312. This federal standard also requires that a Phase I ESA be completed within 180 days prior to acquisition of title to a property. ESA’s following the American Society for Testing and Materials (“ASTM”) Standard E1527-13, meet EPA’s AAI standards.

For more information, a US EPA fact sheet, titled “CERCLA Liability and Local Government Acquisitions and Other Activities,” is available at <http://www.epa.gov/sites/production/files/documents/local-gov-liab-acq-fs-rev.pdf>.

Underground Storage Tanks

Please note that the LGU exemption does not exempt underground storage tanks on the Property from compliance with federal and state requirements, including Wis. Admin. Ch. ATCP 93. If you have questions about tank requirements, contact the Wisconsin Department of Agriculture, Trade and Consumer Protection (the Bureau of Weights and Measures) directly. Wis. Admin. Ch. ATCP 93 is available at https://docs.legis.wisconsin.gov/code/admin_code/atcp/090/93. DNR publication RR-627, title Removing Underground Storage Tanks, is at <http://dnr.wi.gov/files/PDF/pubs/rr/RR627.pdf>

This Letter is Based on Information Provided to DNR

This state liability determination is based on the information provided in the above referenced documents. If new or more extensive contamination is discovered at the Property, the City is required to notify the Department in accordance with Wis. Stat. § 292.11(2). The City should also know that the LGU exemption from the state Spill Law and Solid Waste Management Requirements will apply to the City throughout the City's ownership of the Property, but these liability protections are not transferable from the City to future owners, except to another eligible LGU.

Information on all LGU exemption determinations and other contaminated site activities is tracked in a Department database that is available on the internet at <http://dnr.wi.gov/botw/SetUpBasicSearchForm.do>. The Bureau for Remediation and Redevelopment Tracking System ("BRRTS") identification number for this location can be found at the top of this letter. The Property, if it is acquired in a manner consistent with Wis. Stat. § 292.11(9)(e)(1m), will be identified in the database as a location where the Department has made an "LGU Exemption" determination.

DNR Contact Information

The Department hopes this letter provides the City with the requested clarification concerning the applicability of the LGU liability exemption for the Property. The Department looks forward to working with the City on this project and others.

If you have any questions about this letter, please contact the Department's Project Manager for the Property, Gina Keenan, at (715) 839-3765 or gina.keenan@wisconsin.gov. For questions specific to the LGU exemption, and other local government cleanup tools, please contact Barry Ashenfelter at 608-267-3120 or barry.ashenfelter@wisconsin.gov.

Sincerely,



Dave Rozeboom
West Central Region Team Supervisor
Remediation & Redevelopment Program
Department of Natural Resources

Attachments: Site Map - Attachment A

E-Copy: Gina Keenan, Barry Ashenfelter, DNR/RR

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1300 W. Clairemont Ave.
Eau Claire WI 54701

Scott Walker, Governor
Cathy Stepp, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



April 28, 2017

Ms. Kristine Basom
City of Eau Claire
203 South Farwell Street
Eau Claire, Wisconsin 54701

File Reference: 07-18-578915
Eau Claire County

Subject: Conditional Case-by-Case Grant of Exemption for the Development of a Property Where Solid Waste has been Disposed, for property located at 820 & 860 Malden Avenue, Eau Claire, Wisconsin.


Dear Ms. Basom:

We have reviewed your request dated March 23, 2017, for a grant of exemption from regulation under s. NR 506.085, Wis. Adm. Code. Based on that evaluation, the Department is issuing this general grant of exemption from the prohibitions contained in s. NR 506.085, Wis. Adm. Code. You must comply with the conditions of this grant of exemption in order to maintain the exemption. This grant of exemption is limited to the proposed changes described in your application. If you are considering additional changes beyond those described in the application, a new application must be submitted to the department for approval.

Please review the information contained in the publication Development at Historic Fill Sites and Licensed Landfills: Considerations and Potential Problems PUB-RR-685 to assist you in preventing environmental or safety problems during and after development. We would like to particularly draw your attention to the public safety risk posed by the explosive potential for methane gas that may be present on a property due to the presence of decomposing solid waste.

You are reminded that this approval does not relieve you of obligations to meet all other applicable federal, state and local permits, as well as zoning and regulatory requirements. If you have any questions concerning this letter, please contact Gina Keenan at 715-839-3765 or by email to gina.keenan@wisconsin.gov.

Sincerely,


Dave Rozeboom
West Central Region Team Supervisor
Remediation & Redevelopment Program

c: Gina Keenan-WCR
File copy- WA/5

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

CONDITIONAL GRANT OF EXEMPTION
FOR
DEVELOPMENT ON A PROPERTY
WHERE SOLID WASTE HAS BEEN DISPOSED

FINDINGS OF FACT

The Department finds that:

1. City of Eau Claire owns the property located at 820 & 860 Malden Avenue, Eau Claire, Wisconsin.
2. Solid waste has been disposed of at this property and remains at this property.
3. City of Eau Claire has submitted a request on March 23, 2017, for an exemption from the prohibition in NR 506.085, Wis. Adm. Code. The reports presented with this request have been submitted under the seal of a professional geologist relating to the proposed development and the environmental conditions at the property.
4. Based upon the information provided to the Department, the proposed development at the property is not expected to cause future exceedances of applicable soil and groundwater standards.
5. Additional documents considered in review of the exemption request include the following:
 1. "Phase I Environmental Site Assessment ASTM Practice E1527-13", May 2016. Prepared by Ayres Associates
 2. "Phase II Environmental Site Assessment Report", July 2016. Prepared by Ayres Associates
 3. "Gas Probe Investigation Report", November 2016. Prepared by Ayres Associates
6. Based on investigations completed at this site, there is the potential for the accumulation of methane and other gases associated with decomposing wastes within a building structure constructed on this property.
7. Wastes materials which meet the definition of a solid waste, exist on the property.
8. If the conditions set forth below are complied with, the development of the property will not result in environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.

CONCLUSIONS OF LAW

1. The Department has the authority under s. NR 500.08(4), Wis. Adm. Code to issue an exemption from the prohibition in s. NR 506.085, Wis. Adm. Code, if the proposed development will not cause environmental pollution as defined in ss. 289.01(8) and 299.01(4), Wis. Stats.

2. The Department has authority to approve a grant of exemption with conditions if the conditions are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, Wis. Adm. Code, or to assure that environmental pollution will not occur.
3. The conditions set forth below are necessary to ensure compliance with the applicable provisions of chapters NR 500 to 538, Wis. Adm. Code, and to assure that environmental pollution will not occur.
4. In accordance with the foregoing, the Department has the authority under s. NR 500.08(4), Wis. Adm. Code, to issue the following conditional grant of exemption.

CONDITIONAL GRANT OF EXEMPTION

The Department hereby issues an exemption to the City of Eau Claire from the prohibition in s. NR 506.085, Wis. Adm. Code for development on a property which contains solid waste as proposed in the submittal dated March 23, 2017, subject to the following conditions:

1. No action related to the development of the property may be taken which will cause a significant adverse impact on wetlands as provided in ch. NR 103, Wis. Adm. Code.
2. No action related to the development of the property may be taken which will cause a significant adverse impact on critical habitat areas, as defined in s. NR 500.03(55), Wis. Adm. Code.
3. No action related to the development of the property may be taken which will cause a detrimental effect on any surface water, as defined in s. NR 500.03(62), Wis. Adm. Code.
4. No action related to the development of the property may be taken which will cause a detrimental effect on groundwater, as defined in s. NR 500.03(62), Wis. Adm. Code, or will cause or exacerbate an attainment or exceedance of any preventive action limit or enforcement standard at a point of standards application as defined in ch. NR 140, Wis. Adm. Code.
5. No action related to the development of the property may be taken which will cause a migration and concentration of explosive gases in any structures in excess of 25% of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the soils outside of the limits of solid waste disposal within 200 feet of the property boundary or beyond the property boundary in excess of the lower explosive limit for such gases at any time. No actions may be taken which will cause a migration and concentration of explosive gases in the air outside of the limits of solid waste disposal within 200 feet of the landfill boundary or beyond the landfill property boundary in excess of the lower explosive limit for such gases at any time.
6. No action related to the development of the property may be taken which will cause an emission of any hazardous air contaminant exceeding the limitations for those substances contained in s. NR 445.03, Wis. Adm. Code.

7. No action related to the development of the property may be taken which will cause an exceedance of a soil clean up standard established in accordance with ch. NR 720, Wis. Adm. Code.
8. Safeguards should be taken to prevent volatile organic chemical vapors and methane gas from collecting in the structure. At a minimum, an external venting system should consist of a 6 to 12 inch gravel layer laid directly over the ground surface with an interconnected system of 4-inch diameter polyvinyl chloride (PVC) or corrugated drainage pipe installed in the top 4 inches of the gravel. If future gas sampling indicates methane gas at a concentration greater than 1.25% methane by volume the gas collection piping shall be modified to include an explosion proof blower exhausting above the roof line. A vapor barrier consisting of a minimum 30-mil thick polyethylene geomembrane welded at the seams or other approved systems providing a continuous vapor barrier between the venting system and the floor slab shall be installed. Filter fabric or a 6-inch layer of fine sand should be placed on top of the geomembrane to act as a cushion.
9. All contaminated solid waste material excavated during this development shall be properly characterized, managed and disposed of in compliance with all solid waste regulations at a licensed solid waste landfill. Load tickets for the waste shall be retained for review by the Department of Natural Resources, if requested.
10. This exemption shall transfer with changes in property ownership. In accordance with s.289.46(2), Stats., any person having or acquiring rights of ownership in land where a solid or hazardous waste disposal facility was previously operated may not undertake any activities on the land which interfere with the closed facility causing a significant threat to public health, safety or welfare. The Department of Natural Resources should be contacted to discuss any proposed changes to avoid activities that could violate the statute.
11. This grant of exemption is limited to the proposed changes described in your application. If you are considering additional changes beyond those described in the application, a new application must be submitted to the department for approval.

This exemption is based on the information available to the Department as of the date of this document. If additional information, project changes or other circumstances indicate a possible need to modify this exemption, the Department may ask you to provide further information relating to this activity. Likewise, the Department accepts proposals to modify exemptions, as provided for in state statutes and administrative codes.

NOTICE OF APPEAL RIGHTS

If you believe you have a right to challenge this decision made by the Department, you should know that Wisconsin statutes and administrative codes establish time periods and requirements for reviewing Department decisions.

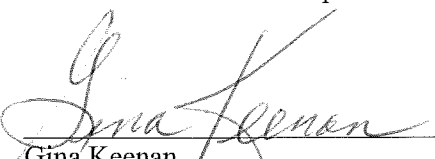
To seek judicial review of the Department's decision, sections 227.52 and 227.53, Stats., establish criteria for filing a petition for judicial review. You have 30 days after the decision is mailed or otherwise served by the Department to file your petition with the appropriate circuit court and serve the petition on the Department. The petition shall name the Department of Natural Resources as the respondent.

Dated: 4/28/17

DEPARTMENT OF NATURAL RESOURCES
For the Secretary



Dave Rozeboom
West Central Region Team Supervisor
Remediation & Redevelopment Program



Gina Keenan
Hydrogeologist, West Central Region
Remediation & Redevelopment Program

Attachment E

Draft ABCA, Public Legal Notice, Statement of No Comments Received,
and Minutes

ANALYSIS OF BROWNFIELD CLEANUP ALTERNATIVES

**Birch Street & Malden Avenue (Parcel No. 101410A)
Eau Claire, Wisconsin 53703
September 2020**

INTRODUCTION

The City of Eau Claire retained Ayres Associates to perform Phase I and Phase II Environmental Site Assessment (ESA) activities at the parcel northwest of the Malden Avenue and Birch Street intersection, identified by Parcel ID 101410A in Eau Claire, Wisconsin. The Phase I ESA is a review of readily available information to assess and identify potential environmental conditions that may adversely affect the property. The Phase II ESA includes sampling and laboratory analysis of soil samples to evaluate potential environmental impairment identified during the Phase I assessment. Results of the Phase I ESA for the site performed in June 2016 are presented in the Phase I Environmental Site Assessment, ASTM Practice E1527-13, Parcel #101410A, Northwest Corner of Malden Ave. and Birch St., Eau Claire, Wisconsin, (June 2016), prepared by Ayres Associates. Results of the Phase II ESA for the property performed in June 2016 are presented in the Phase II Environmental Site Assessment Report, Parcel No. 101410A, Eau Claire, Wisconsin, (July 2016) prepared by Ayres Associates.

This Analysis of Brownfields Cleanup Alternatives (ABCA) is intended as a summary of cleanup options to address the environmental contamination issues at the subject property. The remedial action review includes an evaluation of a range of technically feasible options for restoration of the environment to comply with state and federal environmental laws to the extent practicable. The preferred remedial action considers the site and contaminant characteristics, surrounding environment, land-use restrictions, potential future uses, costs, and cleanup goals.

BACKGROUND

The property consists of one parcel of land measuring approximately 5.7 acres located in the Southwest ¼ of the Northwest ¼ of Section 15, Township 27 North, Range 9 West, in the City of Eau Claire, Eau Claire County, Wisconsin. The parcel is located at the northwest corner of the Birch Street and Malden Avenue intersection and is identified by Eau Claire County Parcel No. 101410A.

The property is located at an approximate elevation of 890 feet above mean sea level (msl), with a general topographic gradient sloping to the south-southeast toward the Eau Claire River. Natural ground cover on the site consists primarily of trees with some fallow grass along the property boundary. The surrounding area is mostly developed with a mix of residential and commercial properties and becomes less developed to the south toward Eau Claire River. Access to the subject property can be gained via Birch Street and Malden Avenue.

As of the publication of the Phase I ESA, the subject property was owned by E & E Smith Rentals, LLC. The property was a vacant, wooded lot, and did not contain any structures. The only utility used on the subject property was a storm sewer; drains were noted on eastern and southern edges of the subject property. However, pole-mounted transformers, natural gas, city water, and buried telephone and electric wires were present in the surrounding area.

Currently, the City of Eau Claire owns the property. Eau Claire Fire Station #10 occupies the northern portion of the lot and the southern portion remains undeveloped. The City of Eau Claire wishes to divide the parcel into two, with the City continuing ownership of the northern portion with the fire station and pursuing potential developers for the southern portion.

Historical research indicates that the subject property was used as a landfill in the 1940s. Since then, as reported by an interview with the former property owner, it was vacant land with only a small barn used to house a horse on the northern section of the subject property, likely sometime in the 1970s. The fire station was constructed on the property in June 2018 and includes a soil vapor mitigation system. Recognized environmental conditions found during the Phase I included the use of the property as a landfill since the nature and extent of the fill material was unknown. Figure 1 shows the site map from the Site Investigation with the delineated approximate extent of fill material. Figure 2 depicts a cross-section of the site.

CONTAMINANTS OF CONCERN AND EXPOSURE ROUTES

The primary contaminant of concern includes the fill material across the site, which exhibited concentrations of Resource Conservation and Recovery Act (RCRA) metals, volatile organic compounds (VOCs), and polycyclic aromatic hydrocarbons (PAHs) above regulatory standards in Wisconsin Administrative Code Chapter NR 720. Soil samples exhibited VOC concentrations above the protection of groundwater residual contaminant level (RCL), PAH compounds above the non-industrial direct contact RCL, and RCRA metals (barium, lead, mercury, and selenium) above protection of groundwater RCLs, with lead in concentrations above the non-industrial direct contact RCL. Soil vapor was also assessed for VOCs; however, VOC concentrations were below Vapor Risk Screening Levels applicable to commercial sites.

Based on the location and nature of the contaminants identified above, and considering the anticipated future use for the site and planned remedial excavation work, the *construction worker or trespasser* has been identified as the most likely person to come in contact with the materials. The potential routes of exposure to these substances include:

- Ingestion and dermal contact with heavy metals (primarily lead) and PAH impacted soils

Potential transport mechanisms of site contaminants include:

- Direct contact and potential ingestion of impacted soils
- Leaching of contaminants to groundwater

CLEANUP OBJECTIVES

Remedial action objectives describe what the proposed site cleanup activities are expected to accomplish. The remedial action objectives for impacts at this site include:

- Prevent direct contact exposure to contaminated soil by on-site workers or trespassers
- Removal or capping of contaminated soils to prevent leaching to groundwater

Additionally, a vapor mitigation system may still be necessary to address potential emissions of methane that may intrude into buildings, as has been done for the fire station. However, implementation of this action would not be necessary until the time of site development.

CLEANUP STANDARDS

The City of Eau Claire's objective is to divide the parcel in half, maintain ownership of the northern portion and remediate the southern portion to welcome developers. To gain the interest of prospective developers, it will be necessary to remediate the site following state regulatory requirements detailed in Wisconsin Administrative Codes (WACs). Contaminated soil should be restored in compliance with the requirements of WAC ch. NR 720. Soil samples collected and analyzed for the purpose of risk analysis,

evaluation of remedial alternatives, and compliance with state regulatory requirements will be analyzed in a fixed analytical laboratory using USEPA SW-846 methods.

REMEDIAL ALTERNATIVES CONSIDERED

This section identifies various remediation alternatives that may be used to address the environmental contamination issues at the property. All of the alternatives were evaluated with respect to WAC Ch. NR 722 and EPA requirements, including:

- Effectiveness
- Ability to Implement,
- Compliance with Standards, and
- Reasonableness of Cost.

No Action Alternative

A no-action alternative was considered to establish a baseline for comparison with other alternatives. Under this option, no activities at the site with regard to remediation would commence and no additional costs would be incurred. A no-action alternative would not be protective of human health or the environment, would not comply with Wisconsin environmental rules and would restrict potential redevelopment or use of the site. This property would remain an environmental hazard and would be a missed opportunity for development.

Complete Soil and Waste Excavation and Disposal Alternative

The “Complete Soil and Waste Excavation and Disposal Alternative” would entail the removal of all identified areas of contaminated soil and fill across the site and disposal of the materials at a licensed off-site disposal facility. This option would be effective in the short-term by allowing the immediate removal of environmentally impacted soil and fill materials. In the long-term, this option would enhance the overall remedial strategy by reducing or eliminating the overall quantity of residual soil impacts. To access the residual soil and waste material, clearing and grubbing will need to occur to remove vegetation that has grown since the dumping activities occurred.

The full amount of excavation and off-site disposal cleanup option will be more expensive than Partial Soil and Waste Excavation and in-situ (in-place) capping of contaminated soil in the short term, but off-site disposal limits long-term risks and future costs to owners or users of the contaminated property by removing the contamination, and direct contact risk, from the site. Waste removal also mitigates the potential for any future migration of contamination into the environment.

Partial Soil and Waste Excavation, Disposal, and Engineered Barriers and Institutional Controls Alternative

The Partial Soil and Waste Excavation, Disposal, and in-situ capping of contaminated soil is considered a multi-phased approach that concludes as a soil performance remedy under WAC Ch. NR 720.19. In general, a soil performance standard, i.e. capping, is considered an engineered control that is kept in-place, operated and maintained, so that the residual contaminants left in the soil or fill do not pose a threat to public health, safety, and welfare, or the environment. Engineered controls may include soil covers, pavement covers, and building/structural covers.

This approach would remove the upper two feet of contaminated soil and waste material. To access the residual soil and waste material, clearing and grubbing will need to occur first to remove vegetation that has grown since the dumping activities occurred.

The end use of the property needs to be considered to implement a cap design. The cap should be incorporated as part of the site development as it will be a permanent feature of the property. Materials used for cap construction are common and readily available. If constructed appropriately, the cap would become a part of the landscaping and aesthetically pleasing to the general public. On a site that is being developed, the buildings and parking lots, as well as the landscaping, can all be integrated into the cap. Implementation of a cap on this site will be affected by the areas of underground utilities, grading cut, and future land use.

These remedial action options provide short-term control of exposure, while longer-term processes such as natural attenuation may reduce some constituent concentrations to below the regulatory limits. Together, the long-term and short-term elements protect human health and the environment. While the "Partial Soil and Waste Excavation, Disposal, and Engineered Barriers Alternative" may be less expensive in the short term, it does not eliminate long-term risks or future costs if implemented without removing the remaining contaminated soil and waste.

Additionally, while VOCs and methane have been detected below indoor non-industrial screening values or below 25% of lower explosive limits, incorporation of a vapor mitigation system may be prudent, and costs should be included in this scenario as well. The new firehouse constructed on the northern portion of the site, outside the limits of waste, had a system installed as an additional safety factor.

Capping can be an effective means for minimizing direct human contact to contaminated soils and mitigating vertical infiltration of precipitation through contaminated materials. Although capping does not actively reduce contaminant volume, toxicity, or mobility, capping will be part of the overall remediation strategy for the site during redevelopment.

COMPARATIVE ANALYSIS OF REMEDIAL ALTERNATIVES

A comparative analysis of the remedial alternatives was performed (advantages and disadvantages) with respect to the evaluation criterion defined earlier in this report. This analysis of alternatives is specific to the hydrogeologic conditions and contaminant types and concentrations at this site.

The effectiveness and overall protection of human health and the environment using complete soil excavation and off-site disposal is relatively high, while partial soil excavation and containment using an engineered barrier alone is only moderately effective. While containment using an engineered barrier reduces the mobility of contaminants in the soil, it does not effectively treat or reduce the volume of the contaminants like the other alternative. Furthermore, off-site disposal does not reduce the toxicity of contaminants, but it does remove the contaminated soil from an uncontrolled environment to a secure permitted landfill. Nonetheless, this option is often effective for protection of human health and the environment provided that the cap is routinely inspected, typically on an annual basis, and maintained as necessary.

Labor, machinery, and materials are readily available for implementing each of the alternatives described above. Significant grubbing and debris removal will need to be performed to ready the site for either of the remedial alternatives selected.

Excavation and off-site disposal would be most effective at complying with cleanup standards as most of the contaminated fill and soil will be removed. Partial excavation and containment using an engineered surface barrier would not meet cleanup standards as capping does not actively remediate contamination. However, with the inclusion of a vapor mitigation system, this option would achieve compliance in regard to human health and safety.

Costs for complete soil excavation and disposal of contaminated materials are relatively low depending on the type of contamination. Fees associated with non-hazardous materials typically include excavation,

hauling, backfilling, and either bioremediation or landfilling. Hazardous waste, if present, would require pretreatment prior to disposal in a landfill. Depending on the estimated site design grades, it may be necessary to import a large quantity of clean fill if impacted soils are excavated and removed from this site. The estimated cost for the integrated alternative using complete soil excavation and off-site disposal plus replacement with clean fill is \$5,694,000

Partial excavation, disposal, and containment using an engineered barrier, or site capping, is a relatively inexpensive method of site remediation. Costs for cap construction would include the materials, labor, permitting, and periodic maintenance of an impermeable or vegetative cover. Capping may be performed as a part of site development in areas where excavation or grading will not disturb contaminated site soils and the impacted soil can be left in place or relocated on-site. This option is attractive to developers because they can design a more permanent cap as design elements progress at the site. Capping would be very economical at this large site because clean imported soil will have to be imported and the majority of impacted soil can be left in place and covered by the clean imported fill.

However, institutional controls, such as GIS registry and land use restrictions, will likely be part of any integrated remedial alternative involving containment, as well as continual monitoring and upkeep. The estimated cost for the integrated alternative using partial excavation, disposal, containment with an engineered barrier and institutional controls, and vapor mitigation system is \$693,000.

Estimated costs to implement potential remedial scenarios discussed above are summarized in Table 1.

PREFERRED REMEDIAL ALTERNATIVES

The Remedial Alternatives were evaluated based on effectiveness, implement ability, the cost of each alternative, the potential future uses of the property, and the proposed redevelopment plans. All of the alternatives are considered technically feasible and capable of protecting human health and the environment with the exception of the “No Action Alternative.”

The recommended remedial approach for implementation at this site is **Partial Soil and Waste Excavation, Disposal, and Engineered Barriers with Vapor Mitigation System**. This alternative is the most practical remedial action approach to achieve site safety and will support the potential future use of the property.

ESTIMATED COST OF REMEDY

Preliminary estimated costs for the recommended conceptual soil remedial alternative include estimated capital costs for site preparation, excavation, transportation and disposal, off-site treatment, backfilling, site restoration, environmental monitoring, and vapor mitigation system. **The cost estimates were developed primarily for the purpose of comparing remedial alternatives and not for establishing project budgets.** Cost estimates were prepared in accordance with the USEPA guidance document, *A Guide to Developing and Documenting Cost Estimates during the Feasibility Study* (USEPA and USACE, 2000). Estimated costs to implement potential remedial scenarios discussed above are summarized in Table 1.

**Table 1 Estimated Costs for Conceptual Alternatives
Parcel 101410A**

Remedial Alternative	Capital Costs	Professional/ Technical Services	Construction Observation/ Management	Compliance/ Environmental Monitoring	Contingency (5%)	Total
Option 1 No Action	\$0	\$0	\$0	\$0	\$0	\$0
Option 2 Full Soil and Waste Excavation w/ Off-Site Disposal	\$5,350,000	\$45,000	\$23,000	\$5,000	\$271,000	\$5,694,000
Option 3 Partial Soil and Waste Excavation w/ Off-site Disposal, Containment using Engineered Surface Barrier, and Vapor Mitigation System	\$605,700	\$33,000	\$17,000	\$5,000	\$33,000	\$693,000

Notes:

Cost estimates were developed primarily for the purpose of comparing remedial alternatives and not for establishing project budgets.

Present value analysis has not been applied to estimated costs during this preliminary stage of remedial action selection.

Option 2 - Estimated volumes of contaminated material (30,000 cubic yards) are dependent on assumptions about site conditions, degree of contamination, and site development design criteria. This includes import and compaction of same volume of clean soil to retain site grades. Costs include clearing and grubbing, excavation and landfilling of waste and soil material, clean fill import and compaction, and site restoration. Costs per ton based on published tipping fee of nearest landfill and hauling costs is \$112, and clean fill importing and compacting is assumed to be \$10 per cubic yard.

Option 3 – Estimated volume of contaminated material to remove is 3,100 cubic yards which is 1.6 feet of soil and waste material removed over the 2.2-acre (out of 3-acre southern portion) footprint of waste material. Costs include clearing and grubbing, excavation and landfilling of waste and soil material, clean fill import and compaction, site restoration, and vapor mitigation system design, construction, and commissioning for anticipated building size. Costs per ton based on published tipping fee of nearest landfill and hauling costs is \$112 and clean fill importing and compacting is assumed to be \$10 per cubic yard.

Cost estimates were prepared in accordance with the USEPA guidance document, *A Guide to Developing and Documenting Cost Estimates during the Feasibility Study* (USEPA and USACE, 2000).

10/12/2016
W:\Bentley_V8\Workspaces\standards\plctfg\j5200-ayres-printer-plctfg
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W:\ENV\CAD\Env_sites\City of Eau Claire\Malden Ave and Birch St\SITE MAP.dgn

NOTE: THIS DRAWING WAS PREPARED
IN COLOR. REPRODUCTION BY
MEANS OTHER THAN EQUIVALENT
COLOR COPYING MAY CAUSE
SOME DATA TO BE LOST OR
MISREPRESENTED.

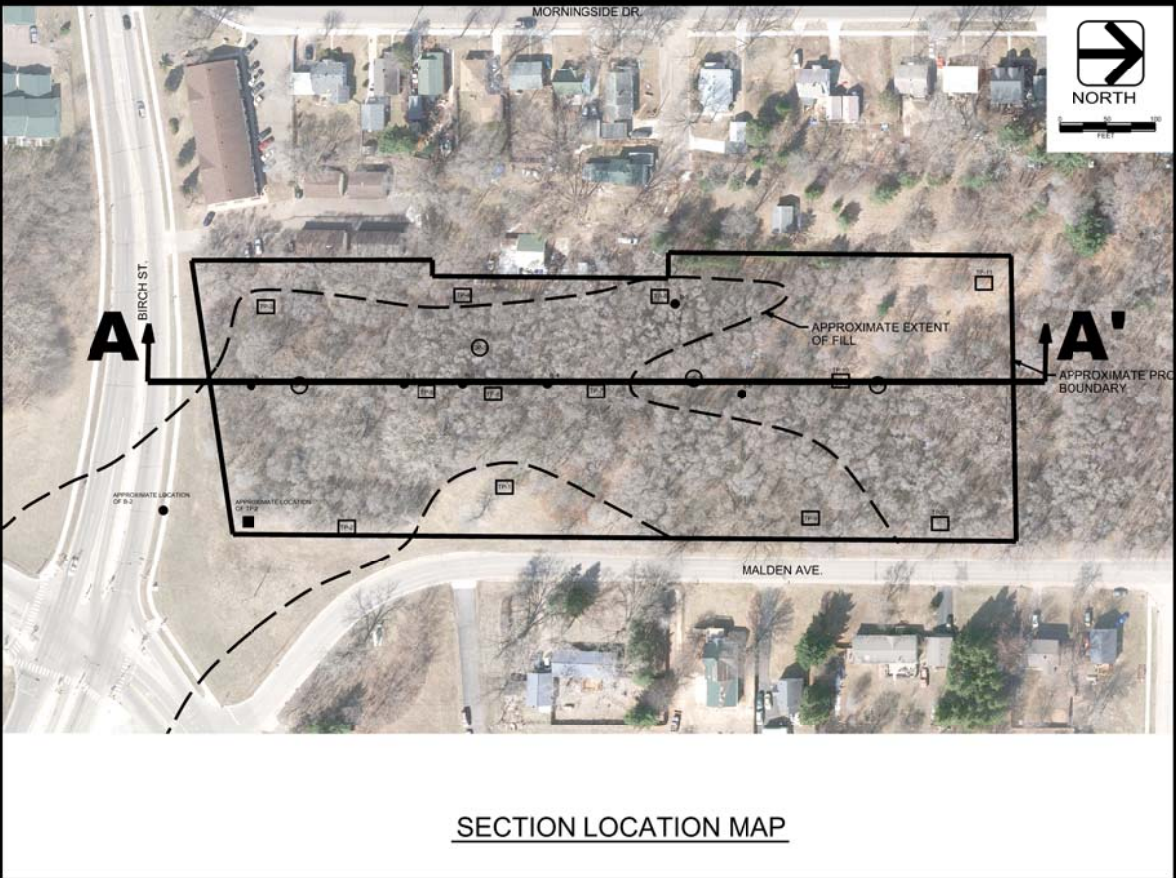
DR BY	T. SHUPERT	BOOK NO.							
CHK BY	L. ROSEMORE	JOB NO.	19-0656.00						
DATE	OCTOBER 2015	SCALE	AS SHOWN	NO.	DATE	REVISION	NO.	DATE	REVISION

SITE INVESTIGATION ACTIVITIES
NW OF MALDEN AVE AND BIRCH ST. INTERSECTION
EAU CLAIRE, WISCONSIN



LEGEND

	TEST PIT
	GEOTECHNICAL BORING
	GAS PROBE

[illegible]

SITE INVESTIGATION ACTIVITIES
NW OF MALDEN AVE AND BIRCH ST. INTERSECTION
EAU CLAIRE, WISCONSIN



CROSS - SECTION

(Ldr.-Tele. October 6, 2020)
PUBLIC MEETING NOTICE

City of Eau Claire

U.S. EPA Brownfields Hazardous Material Cleanup Grant Application Submittal

The City of Eau Claire intends to submit a \$300,000 U.S. EPA Brownfields Hazardous Materials Cleanup Grant application to secure funding to assist with the environmental cleanup of former dumping site (unlicensed landfill) located at 820 Malden Avenue in Eau Claire, Wisconsin. This site is currently owned by the City and Fire Station #10 resides on the northern portion of the site. Following cleanup, this property would be re-parceled and the southern property will be redeveloped as part of a proposed housing or mixed-use development.

A public meeting to accept comments on the draft Cleanup Grant Applications will be held beginning at 5:00 p.m. local time (CST) on October 20, 2020. Due to the COVID-19 pandemic and social distancing guidelines, this comment meeting will be virtual and open from 5:00 to at least 5:30 pm virtually at the link below. A brief description of the proposed cleanup project and grant applications will be presented at 5:00 p.m. and all persons will be afforded reasonable opportunity to present both oral and written comments on these applications. Documentation of the public meeting and comments received will be incorporated into the final grant applications.

The grant applications and associated Analysis of Brownfield Cleanup Alternatives (ABCA) report for the property will be available for a 15-day public review period beginning October 6, 2020 and concluding on October 20, 2020. These documents are available for review online at <http://avresprojectinfo.com/MaldenAveEPAGrant/> and the City of Eau Claire L.E. Phillips Public Library or Eau Claire City Hall.

If you are interested in providing comments on these grant applications, please attend the public meeting or submit written comments:

Aaron White, Economic Development Manager

City of Eau Claire

203 S. Farwell Street

Eau Claire, WI 54701

Aaron.White@eauclairewi.gov

Event Address for Attendees:

<https://eauclairewi.webex.com/eauclairewi/j.php?MTID=m2637d11582c55e1bd1a3c93fb003d517>

Audio Only Conference:

United States Toll +1-408-418-9388

Access Code: 146 845 8458



...day of October 2020.....

on the following dates to-wit:

Publication date
Oct. 6, 2020

once in each week for
wks.

na

Received Payment,

....., 20.....

City of Eau Claire, Wisconsin
FY2021 EPA Cleanup Grant Application
820 Malden Avenue

ABCA Public Comment Acknowledgement

Please note that the City of Eau Claire acknowledges that **no** public comments were received during the 15 day comment period on the proposed project application or Analysis of Brownfield Cleanup Alternatives (ABCA) that were made available to the public at local libraries, website access, and as noted on the legal notice.

Meeting Minutes

Meeting Location: Virtual Meeting (due to COVID-19 Restrictions), Address and Call-in Number Noted Below

Re: FY2021 Cleanup Grant (820 Malden Avenue, Eau Claire) Public Meeting, including draft ABCA

Date/Time: October 20, 2020 - 5:00PM-5:30 PM

Notes By: Ben Peotter, PE, Ayres Associates

Attendees: Aaron White, Economic Development Manager, City of Eau Claire
Ben Peotter, Ayres Associates

The meeting was called to order at 5:00 PM local time. Only attendees on the Virtual Meeting were noted internal stakeholders above. Per the Legal Notice, meeting conclusion was 5:30 p.m., which was actual meeting conclusion time.

Meeting was properly noticed 15 days prior to date in local newspaper, and draft application and ABCA were available on website and local libraries as noticed. Meeting was held as noted below:

- *Event Address for Attendees:*

<https://eauclairewi.webex.com/eauclairewi/j.php?MTID=m2637d11582c55e1bdffa3c93fb003d517>

- *Audio Only Conference:*

United States Toll +1-408-418-9388

Access Code: 146 845 8458

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

10/28/2020

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

Eau Claire, City of

* b. Employer/Taxpayer Identification Number (EIN/TIN):

39-6005636

* c. Organizational DUNS:

0204951560000

d. Address:

* Street1:

203 S. Farwell St.

Street2:

* City:

Eau Claire

County/Parish:

* State:

WI: Wisconsin

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

54701-3718

e. Organizational Unit:

Department Name:

Community Development

Division Name:

Economic Development

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

* First Name:

Aaron

Middle Name:

James

* Last Name:

White

Suffix:

Title:

Economic Development Manager

Organizational Affiliation:

City of Eau Claire

* Telephone Number:

715-839-6047

Fax Number:

* Email:

aaron.white@eauclairewi.gov

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

* 12. Funding Opportunity Number:

EPA-OLEM-OBLR-20-07

* Title:

FY21 GUIDELINES FOR BROWNFIELD CLEANUP GRANTS

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

Eau Claire, Wisconsin, Cleanup of 820 Malden Avenue Brownfield Site

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

* a. Applicant

3rd

* b. Program/Project

3rd

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date:

11/01/2021

* b. End Date:

03/31/2023

18. Estimated Funding (\$):

* a. Federal	500,000.00
* b. Applicant	100,000.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	600,000.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☐ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title: * Telephone Number: Fax Number: * Email: * Signature of Authorized Representative: * Date Signed: